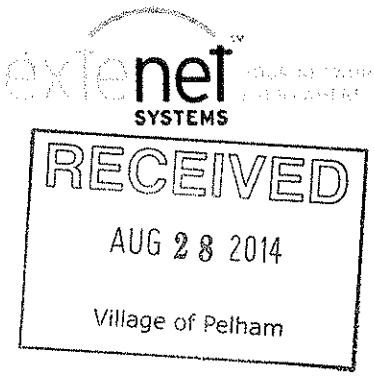


To: **Village of Pelham**
195 Sparks Avenue
Pelham, NY 10803
c/o Robert Yamuder, Village Administrator

From: **ExteNet Systems, Inc.**
3030 Warrenville Road, Suite 340
Lisle, Illinois 60532
(630) 505-3800
c/o Mr. Dave Schneider – National Director, Planning and Development

Subject: Application for Special Permit for Wireless Telecommunications Facilities

Date: August 25, 2014

Pursuant to Chapter 87 of the Village of Pelham Code and in furtherance of its application filed in April 2013, please find the below updated application materials and supplements of ExteNet Systems, Inc. for a Special Permit for wireless communications facilities within the Village.

If there are any questions or comments as to the application in form or substance, please contact Dave Schneider at 734-536-3081 or via e-mail at dschneider@extenetsystems.com.

Introduction:

ExteNet Systems, Inc. designs, builds, owns, and maintains distributed networks for use by wireless carriers under authority granted by the State of New York Department of Public Service, Certificate of Public Convenience and Necessity. ExteNet seeks to expand its existing Westchester County distributed antenna system (DAS) into the Village of Pelham Manor on behalf of its current and potential new wireless carrier clients. The three (3) locations we are seeking approval for were previously proposed and are currently built and mounted. ExteNet seeks to provide the Village of Pelham an updated application package and supplements pursuant to Chapter 87 of the Village of Pelham Code.

An ExteNet DAS network consists of a reliable, flexible and scalable architecture that can transmit an extensive combination of standard based wireless signals from any wireless service provider including 3G, UMTS, CDMA-2000, 802.16, 802.11 or nearly and other wireless technology. For more background information on ExteNet Systems, Inc. please see the company's web portal at www.extenetsystems.com

A. Application

1) Name and Address of Owner of Proposed Wireless Communication Facility:

a) ExteNet Systems, Inc.
3030 Warrenville Road, Suite 340
Lisle, Illinois 60532
(630) 505-3800

Name and Address of Owner of Property on which such Facilities are proposed to be located:

(a) Consolidated Edison Company of New York (Con Edison)
723 E 13th Street
New York, NY 10009
(212) 228-0002
(b) Verizon
140 West Street
New York, NY 10007
212-395-1000
(c) Village of Pelham
195 Sparks Avenue
Pelham, NY 10803

2) Name and Address of Managing Agent and Designated Agent for Service of Process:

A) Managing Agent:
Dave Schneider, National Director, Planning and Development
3030 Warrenville Rd. Suite 340
Lisle, IL 60532
B) Agent of Applicant (Westchester County Contact)
For Service of Process:
Cudder & Feder, LLP
C/O Christopher B. Fisher, Esq.
445 Hamilton Avenue, 14th Floor
White Plains, NY 10601
(914) 761-1300

3) Project Description and Declaration of Chapter 87-6 Application Requirements.

The DAS network provides a low/no visual impact wireless coverage solution in the Village, where a traditional tower is not practical and/or cannot achieve targeted coverage. The DAS network consists of a series of antenna and control cabinets attached to utility poles all connected by fiber optic cable fed aerially or underground, terminating at an existing wireless "hub" facility. In this case the wireless "Hub" is located in the City of Yonkers, NY.

All equipment is grey in color. One (1) 29lb antenna per Utility pole is mounted at the pole top approximately 35' from ground to top of antenna. One control cabinet, meter and power disconnect is mounted no lower than 8' from ground to bottom of equipment per electrical and building code. All specification sheets depicting size, weight, color and power are included in this application for review – See Exhibit 1.

In addition to meeting the requirements for application in Section 87-6 of the Village of Pelham Code, the three (3) locations listed below provide area residents with improved wireless services and eliminate "dead" spots that previously existed. The result is improved quality of life and enhanced public safety for residents and visitors, including but not limited to strengthened E-911 coverage and reliable services. This application satisfies the requirements of Chapter 87 of the Village of Pelham Code.

Existing Locations:

1. 145 Harmon Avenue Pelham, NY
   Lat. 40.913349911232/Lon. -73.8040688816572
   Verizon Owned Pole
2. Colonial Avenue @ Pelhamdale Pelham, NY
   Lat. 40.9020776830379/Lon.-73.8100404062308
   Con Edison Owned Pole
3. 156 East 2nd Street Pelham, NY
   Lat. 40.9065587863709/Lon.-73.8057904412309
   ExteNet Owned Pole.

4) Environmental Impact

A) New York State Environmental Quality Review – FULL ENVIRONMENTAL ASSESMENT FORM – See Exhibit 2.
B) NY State Historic Preservation Office (SHPO) clearance and approval. –See Exhibit 3
C) National Environmental Protection Act (NEPA) clearance and approval. –See Exhibit 3

5) Professional Engineer licensed in the State of New York

A) Antenna Arrays: The DAS network in the Village of Pelham consists of three (3) transceiver locations, commonly known as nodes or remotes. The DAS network technology employs low power radio frequency amplifiers at each node, which emits radio frequency (RF) energy to the environment. The Nodes are designed to transmit and receive radio communications in 1900 MHZ and 2100 MHZ Licensed Spectrums. Antenna used in the proposed DAS network is a quasi-Omni dual polarized multiband antenna. This single enclosure antenna houses three (3) sectorized panels of 65 degree beam width each. (Also, Refer to Exhibit 1.).

B) Refer to Exhibit 1.

C) The Node transceiver is mounted to the utility pole and coaxial cables are installed to the link amplifier to an antenna mounted on the utility poles top. By virtue of their relatively low antenna heights and their consequently small, often terrain limited coverage areas; these installations do not require much RF energy to achieve their coverage objectives. The Amplifier has a maximum power output of 20 watts (43 DBM). The antenna employed in the network is a multi-band model that accommodates RF signals in both 1900 and 2100 MHZ bands. The list of node locations and specifications are listed on Exhibit 1.

D) Modulation. The 1900 MHz band uses full power Global System for Mobile Communications (GSM) technology. GSM is a time division multiple access (TDMA) technology.

The 2100 AWS is a more advanced Universal Mobile Telecommunication System (UMTS) technology, uses Wideband Code Division Multiple Access (WCDMA) radio access technique.

- Class of service. The proposed DAS network is for the service to general population of Pelham/Yonkers.

E) Maximum EiRP. The maximum Effective isotropic Radiated Power (EiRP) at each location, which is same for all nodes. The maximum EiRP is 52.7 dBm in both the AWS (2100MHz) and PCS (1900MHz) bands totaling 55.7dBm combined.

F) Refer to Exhibit 6. Compliance with standard for public exposure to non-ionizing electromagnetic radiation (NIER) – the radio transmitter and antennas used in the DAS network are FCC approved. They operate well below the maximum output power limitation set by the FCC. The maximum EiRP (which includes the radio transmit power, coax/connector loss, and antenna gain) 52.7 dBm (186 W) per band or 372 W total (both bands) is at the antenna. Calculation has shown that 9.0 feet is a very conservative required safe distance from an antenna with an EiRP of 372 W. This is assuming the receiving object is directly focused at the main radiating path of the antenna which in this case is parallel to the ground (off into the horizon). The DAS network antennas are mounted on utility poles at approximately 35 feet.

G) The metric for measurement for specific absorption rate (SAR) and is expressed in watts per kilogram of tissue. The limit for absorption of radio frequency radiation is limited to 1.6 W/kG within gram of human tissue. The National Council on Radiation Protection (NCRP) and American National Standards Institute/Institute of Electrical and Electronic Engineers (ANSI/IEEE) exposure criteria are frequency dependent since the whole-body human absorption of RF energy varies with the frequency of the RF signal. Maximum permissible exposures (MPE) to radiofrequency electromagnetic fields are usually expressed in terms of the plane wave equivalent power density expressed in units of milliwatts per square centimeter (mW/cm2) or alternatively, absorption of RF energy is a function of frequency (as well as body size and other factors). The Limits vary with frequency. Standards are more restrictive for frequencies at and below 300 MHz. Higher intensity RF exposures are allowed for frequencies between 300MHz and 6000MHz than for those below 300MHz. The exposure limits were adopted by the FCC in 1996. Refer to Exhibit 1.

6) Structural Report by Professional Engineer licensed in the State of New York

A) Refer to Exhibit 1.

B) Refer to Exhibit 1.

7) Shared Use of Proposed Facilities
- Refer to Exhibit 1.

8) On-site service needs:
- Nodes require little to no on-site servicing. On a rare occasion, technicians will provide general on-site maintenance which can include a bucket truck, but normally nodes can be accessed by a ladder.

9) Landscape Plan – Not Applicable per § 87-8(J). – Utilizing Wooden Utility Poles with Pole Mounted Equipment in Public Right-of-Way.

10) Site Map: See Exhibit 4

B, C, D, E, F, G, H, I – Board of Trustee Review Criteria / Considerations

§87-7. Application to Renew or Modify a Permit for Wireless Telecommunication Facility – No response required at this time. Applicant will meet these requirements for renewal or modification to the facilities as required.

§87-8. Standards for Wireless Telecommunications Facilities.

A. Necessity of Service.
- **See Exhibit 5**

B. Least intrusive means.
- Utilizing wooden utility poles with pole mounted equipment in public right-of-way and eliminating the need to erect or mount equipment on taller structures is consistent with the code and satisfies the intent of this requirement.

C. Operation and Security.
1. The DAS network mounted on wooden utility poles in the public right-of-way minimizes noise, creates virtually no traffic and ensures the security of the facility by being located with other existing utilities in the public right-of-way.
2. All equipment is mounted no lower than eight feet (8') from the ground with the antenna located at the pole top approximately 30' from ground to top of antenna. One control cabinet, meter and power disconnect is mounted no lower than 8' from ground to bottom of equipment per electrical and building code.
3. No other use will be allowed or permitted.

D. Radio Frequency emissions.
- The radio transmitter and antenna used in the proposed DAS network are FCC approved. They operated well below the maximum output power limitation set by the FCC. The maximum EiRP (which includes the radio transmit power, coax/connector loss, and antenna gain) 52.7 dBm (186 W) per band or 372 W total (both bands) is at the antenna. Calculation has shown that 9.0 feet is a very conservative required safe distance from an antenna with an EiRP of 372 W. This is assuming the receiving object is directly focused at the main radiating path of the antenna which in this case is parallel to the ground (off into the horizon). The proposed DAS network antennas are mounted on utility poles at approximately 35 feet.

  The metric for measurement is specific absorption rate (SAR) and is expressed in watts per kilogram of tissue. The limit for absorption of radio frequency radiation is limited to 1.6 W/kG within 1 gram of human tissue. The NCRP and ANSI/IEEE exposure criteria are frequency dependent since the whole-body human absorption of RF energy varies with the frequency of the RF signal. Maximum permissible exposures (MPE) to radio frequency electromagnetic fields are usually expressed in terms of the plane wave equivalent power density expressed in units of milliwatts per square centimeter (mW/cm2) or alternatively,

absorption of RF energy is a function of frequency (as well as body size and other factors). The limits vary with frequency. Standards are more restrictive for frequencies at and below 300 MHz. Higher intensity RF exposures are allowed for frequencies between 300 MHz and 6000 MHz than for those below 300 MHz. The exposure limits used for this analysis were adopted by the FCC in 1996 (See Exhibit 6).

E. Collocation and use of existing structures.

- ExteNet has met this requirement by mounting the equipment on two (2) existing wooden utility poles and the addition of one new wooden utility pole which is consistent with other wooden utility poles in the vicinity.

F. New support structure

- ExteNet required the addition of one (1) new wooden utility pole due to the structural limitations of other wooden utility poles in close proximity and other physical constraints (See Exhibit 7). The new wooden pole installed meets the requirements for a new structure based on the criteria in this section of the Code.

G. Height.

1. The facilities meet and/or exceed this section of Code.
2. The facilities meet and/or exceed this section of Code.

H. Setback Standards.

1. The facilities meet and/or exceed this section of Code.
2. The facilities meet and/or exceed this section of Code by being placed on wooden utility poles in the public right-of-way consistent with other improvements and/or utility structures in the public right-of-way.

I. Visual impact.

1. The facilities meet and/or exceed this section of Code by being consistent in color and scale as equipment on other similar wooden utility poles located in the public right-of-way (Refer to Exhibit 1).
2. The facilities meet and/or exceed this section of Code by being consistent in color and scale as equipment on other similar wooden utility poles located in the public right-of-way (Refer to Exhibit 1).
3. The facilities meet and/or exceed this section of Code by being consistent in color and scale as equipment on other similar wooden utility poles located in the public right-of-way (Refer to Exhibit 1).

J. Landscaping.

- The facilities are located on wooden utility poles in the public right-of-way and do not require landscaping by Code.

K. Access.

- The facilities are located on wooden utility poles in the public right-of-way and are accessible from the adjacent improved public road.

L. Lighting.

- No lighting is proposed or required.

M. Signage.

- No signage is proposed other than the equipment manufacturer plate and facility owner contact information plate.

§87-9. Wireless Telecommunications Facilities in the Right-of-Way or on Other Village Property.

A. The applicant has met or intends to meet this requirement.

B. The applicant has met or intends to meet this requirement.

C. The applicant has met or intends to meet this requirement.

D. Board of Trustee Right-of-Way Authorization Standards.

1. **The wireless telecommunications facility will be comparable in size to or smaller than other wireless telecommunications facilities in the area and will be installed above-ground or below-ground consistent with the requirements for the area in which the facilities are to be located;**
   - The existing DAS antennas and mounted control box are installed above-ground and no lower than 8' from the ground to the first attachment. All fiber installed for the DAS network is following the existing Utility infrastructure above ground or below ground.

2. **Unless collocated, the proposed antenna array(s) will be located at least 1200 feet from any existing antenna array associated with any other wireless telecommunications facility, or if less, 1200 feet minus a distance required to avoid placement of the proposed antenna array(s) in the front of a residential unit on the same side of the street as the existing antenna array, with the distance being measured along the street line, and not along a radius;**
   - All of the DAS equipment is co-located with the existing utilities on wooden utility poles within the existing Utility & Village of Pelham Rights-of-Way. The locations are located on three different streets as noted in the application and on the included fiber and node location map.

3. **All portions of the wireless telecommunications facility (other than the support structure and ground-mounted equipment) must be located at least eight feet above ground level and must be designed to provide adequate roadway clearance, to prevent interference or hazard to pedestrians, vehicular traffic, or other property in the roadway, and to minimize the visual impact of the facility to adjoining properties.**
   - All equipment is pole mounted 8' or higher and located on the Field side of the pole. Locating the DAS equipment on the field side prevents interference with the roadway, vehicles and other roadway traffic. If and when maintenance is required or access is required by the electric company, the DAS equipment is mounted so as to not be in the way of other tenants and out of the street for access and safety.

4. **Any facility installed on an attachment structure or existing support structure must be flush-mounted. Antennas are treated as flush-mounted if the point of attachment is to the structure or a vertical extension of the structure. The design, placement and physical dimensions of the wireless telecommunications facility must be consistent with the design, placement and physical dimensions of the structure to which it is to be attached, and in any event may not:**
   a. **require an expansion of the footprint of the structure (including any guy wires) of more than 10%;** - Not Applicable.

   b. **use an antenna other than an omni-directional, whip or panel antenna, or result in an extension in the height of the structure (including the vertical height of the antennas) of more than eight feet above the top of the structure for omni-directional or whip antennas, or more than four feet for panel antennas;** - Not applicable. One antenna pole top mounted.

   c. **result in an expansion of more than 10% in the circumference or width of the structure;** - Not Applicable.

   d. **intrude on any sidewalk or vehicular roadway, pedestrian walkway or create a significant additional hazard for the same;** - Not Applicable. Does not intrude. Equipment is mounted no less than 8' from grade.

   e. **have more than one antenna array with three antennas, with no antenna extending more than twelve inches horizontally from the face of the structure, or, where mounted on a utility pole, a single omnidirectional antenna whose diameter does not exceed the diameter of the utility pole; or** - Not Applicable - One pole top mounted antenna per pole.

   f. **require installation of other equipment on the structure that exceeds four feet in height or the lesser of three feet in width or three times the width of the existing supporting structure at the point of attachment.** - Not Applicable

5. **Any new support structure and its footprint will be of a design and have physical dimensions consistent with existing utility poles in the area where it will be located, unless infeasible, and will not intrude on any sidewalk or vehicular roadway, or pedestrian walkway, or create a significant additional hazard for the same.**
   - Node 3 required a new pole set due to the absence of existing infrastructure suitable for attachment. Pole set is of like size and height as surrounding and is located in the Public Right-of-Way.

E. **References to specific dimensions, distances and locations in this section do not limit the authority of the Board of Trustees to impose additional conditions on the grant of the permit where warranted to minimize visual impacts or provide for the public safety.**

- Understood and noted.

F. **The proposed location of the wireless telecommunications facility may not (1) conflict with safety and safety-related codes and requirements; (2) conflict with the nature or character of a neighborhood, park or historic district; (3) be contrary to an already stated purpose of a specific zoning or land use designation; (4) create an unacceptable risk, or the reasonable probability of such, to residents, the public, employees and agents of the Village, or employees of the service provider or other service providers; or (5) conflict with the provisions of this chapter.**
   - Not applicable. All Aspects of the DAS project adhere strictly to the Village of Pelham Code and any and all New York State or Village of Pelham Safety codes and requirements.

§87-10 Terms and Conditions.
- The applicant intends to adhere to the terms and conditions outlined in the Section of the Code.

§87-11 Abandonment.
- The applicant intends to adhere to this section of the Code.

§87-12 Administration and enforcement.
- Understood and noted.

SUPPLEMENTAL INFORMATION;

Right-of-Way Agreement. Appendix A

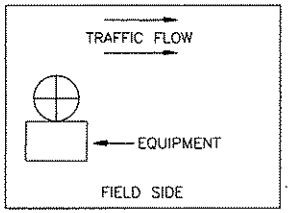
New York State Certification of Public Convenience and Necessity issued by the N.Y.S. Public Service Commission. Appendix A

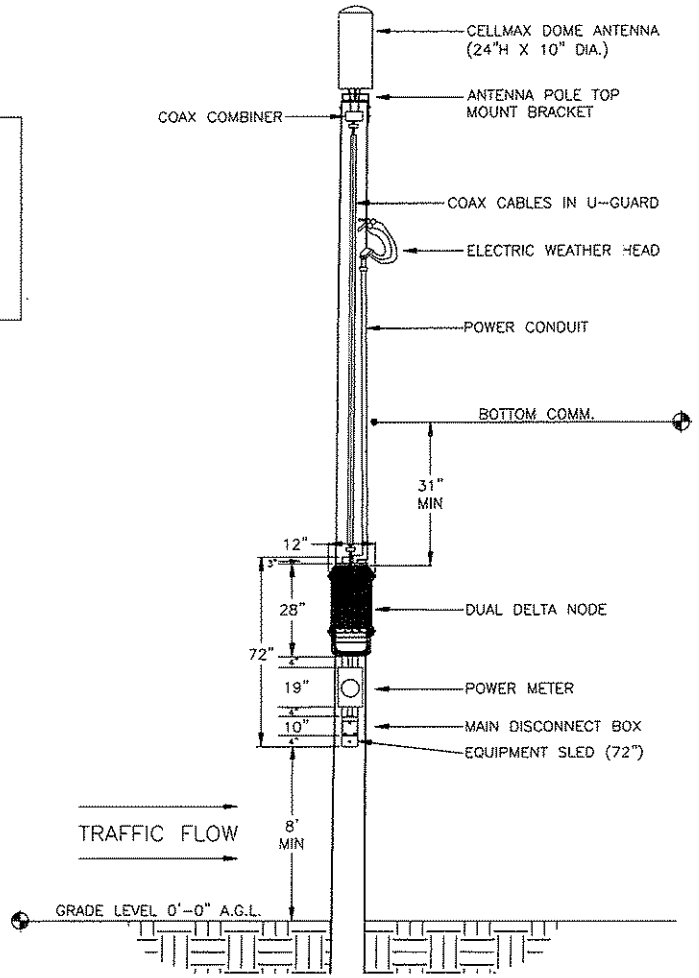
Notification to adjoining municipalities – Will be provided once this application is accepted by the Board of Trustees.

EXHIBIT 1

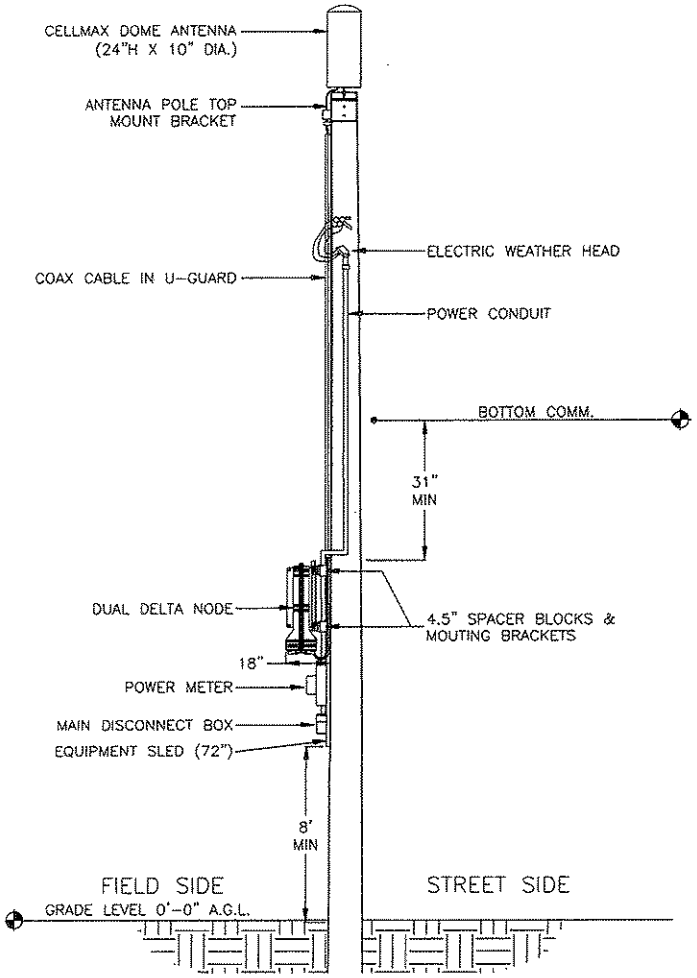
PELHAM, NY - POLE ATTACHMENT DETAIL

POLE ELEVATION
OVERHEAD VIEW





POLE ELEVATION DETAIL – FIELD SIDE VIEW



POLE ELEVATION DETAIL – SIDE VIEW

Prepared By:

Waveguide

10 N Southwood Drive
Nashua, NH 01462
(603) 598 0096
waveguidefiber.com

General Notes:

All pole top work will be performed by certified contractors, approved by the Utility.

Project Contacts:

Rick Angelini, Extenet Systems
(508) 776-2161
rangelini@extenetsystems.com

Carly Cowher, Extenet Systems
(774) 230-3269
ccowher@extenetsystems.com

extenet SYSTEMS
3030 Warrenville Road
Suite 340
Lisle, IL 60532
Phone: (630) 505-3800

Project name: Extenet - Pelham, NY
Pole Attachment Details

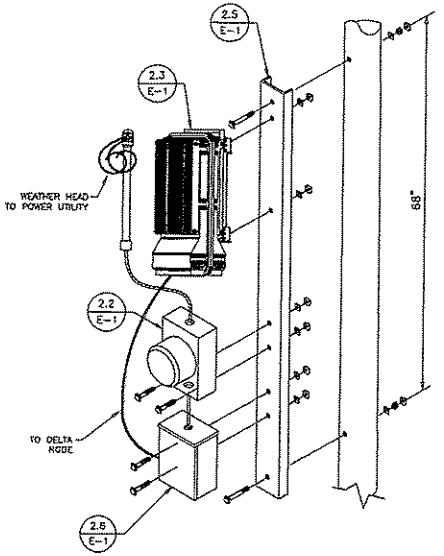
Revision: 0
Description: Proposed
Proj. Coordinator: Rick Angelini
Approved By:

Location: Pelham, NY

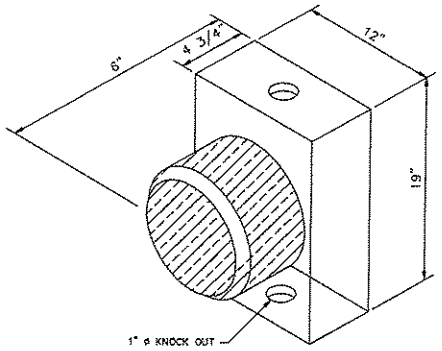
Date: 08/13/2014

Scale: NTS

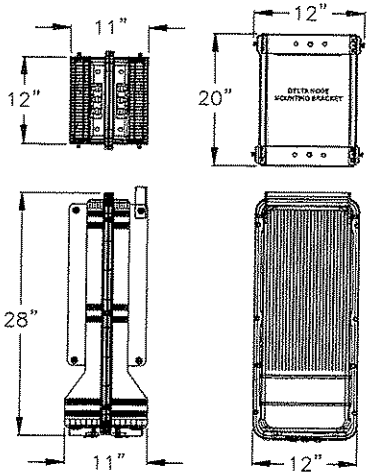
Sheet: SK1



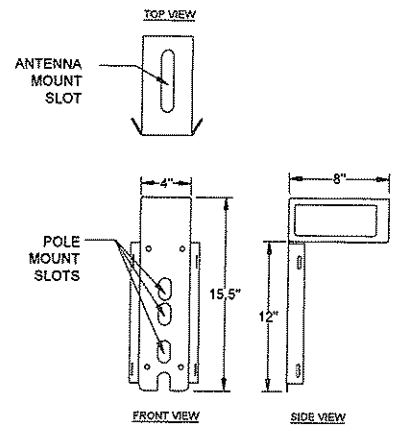
2.1 E1 POWER METER & DISCONNECT BOX ATTACHMENT DETAIL



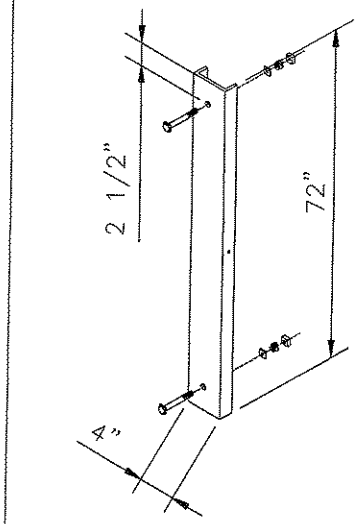
2.2 E1 POWER METER DETAIL



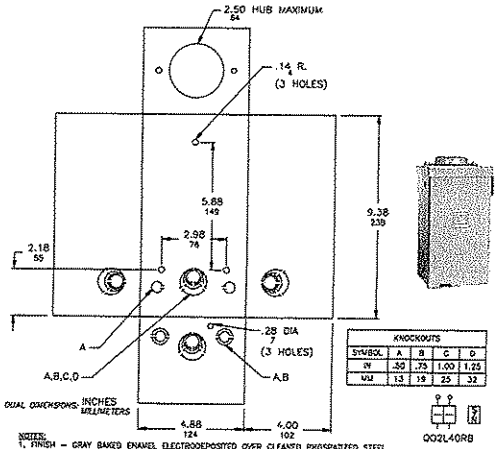
2.3 E1 DUAL DELTA NODE DETAIL



2.4 E1 ANTENNA POLE TOP MOUNT BRACKET DETAIL



2.5 E1 EXTENET POLE MOUNT SLED



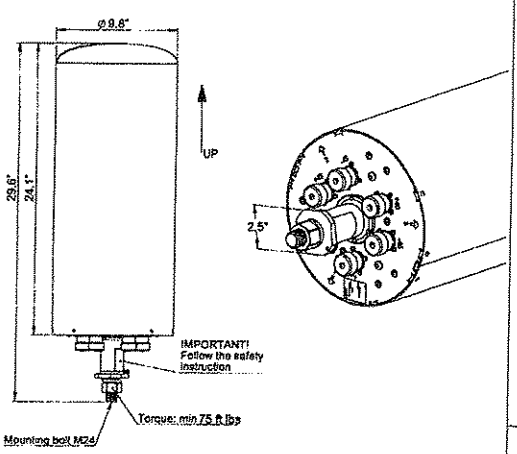
NOTES:
1. FINISH – GRAY BAKED ENAMEL ELECTRODEPOSITED OVER CLEANED PHOSPATIZED STEEL.
2. UL LISTED – FILE E-6994
3. NEUTRALS – INSULATED GROUNDABLE.
4. FEED DISCONNECT BOX WITH 120/240V POWER.
5. USE 20 AMP, 120V QT BREAKER.

CATALOG NUMBER	MAXIMUM SYSTEM VOLTAGE	MAINS AMPERE RATING	SPACES	MAXIMUM NUMBER OF SINGLE POLE CIRCUITS	MAIN WIRE SIZE AWG
OO2L40RB	120/240VAC	40	2	2	#12-6 AL, #14-6 CU

OO2L40RB LOAD CENTER , 40A, FIXED – FACTORY INSTALLED MAIN LUGS, 120/240VAC RAINPROOF NEMA TYPE 3R ENCLOSURE – OUTDOOR

2.6 E1 DISCONNECT BOX

Antenna version:	CMM-TRI/6516/E2
Weight	26.5lbs
Lenght	24.1"
Diameter	9.8"



2.7 E1 CELLMAX ANTENNA DETAIL

Prepared By:
Waveguide
10 N Southwood Drive
Nashua, NH 01462
(603) 598 0096
waveguidefiber.com

General Notes:

All pole top work will be performed by certified contractors, approved by the Utility.

Project Contacts:

Rick Angelini, Extenet Systems
(508) 776-2161
rangelini@extenetsystems.com

Carly Cowher, Extenet Systems
(774) 230-0288
ccowher@extenetsystems.com

extenet SYSTEMS
3030 Warrenville Road
Suite 340
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Phone: (630) 505-3800

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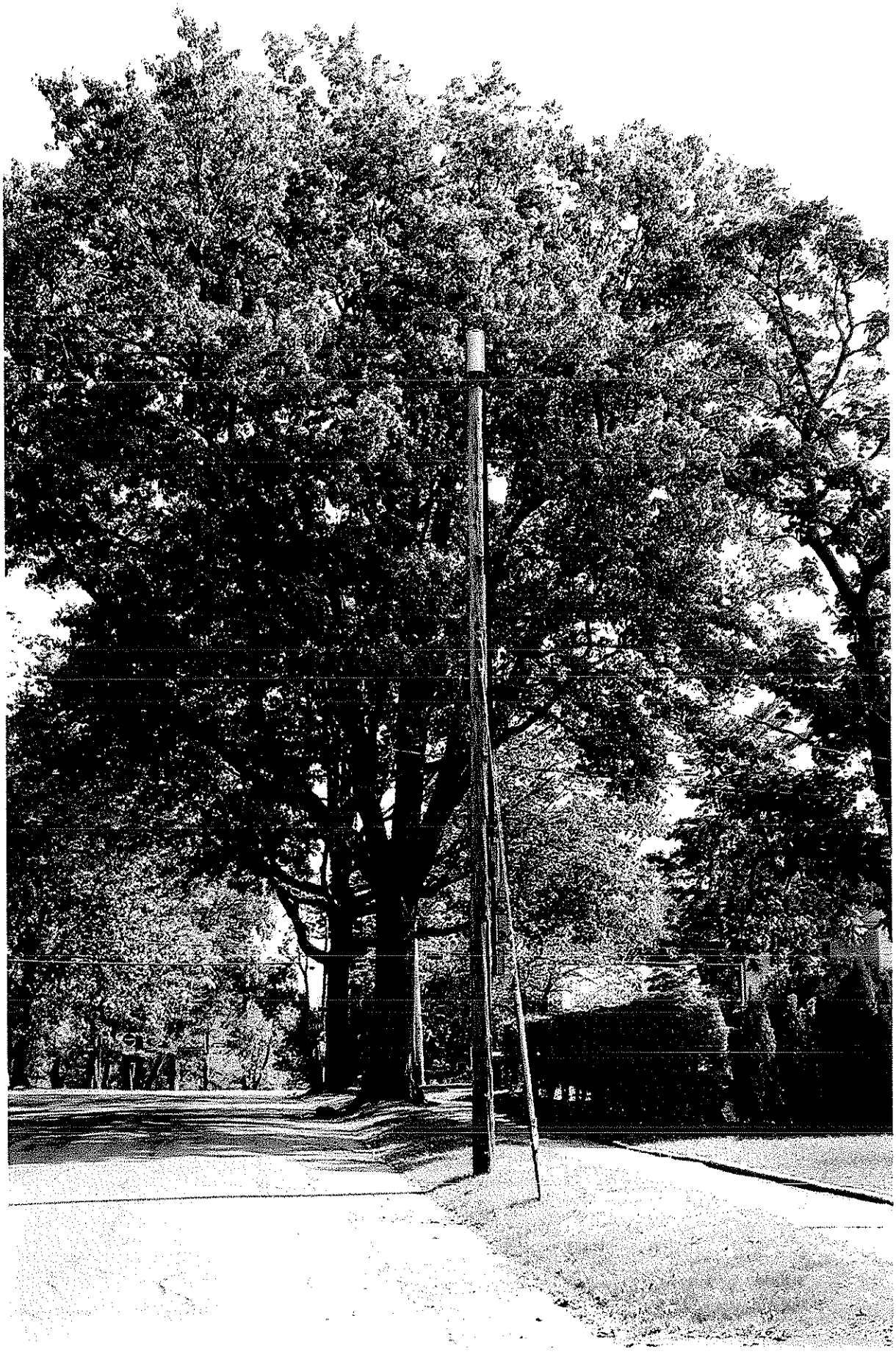
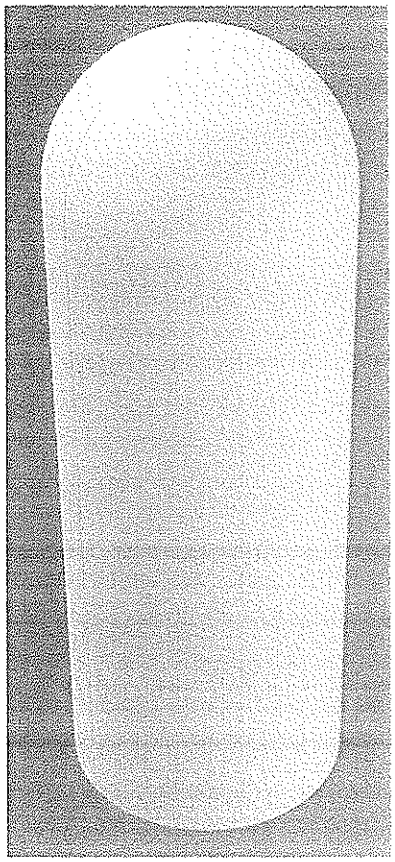


CMM-TRI/6515/E2

High Efficiency Tri-Sector Monopole



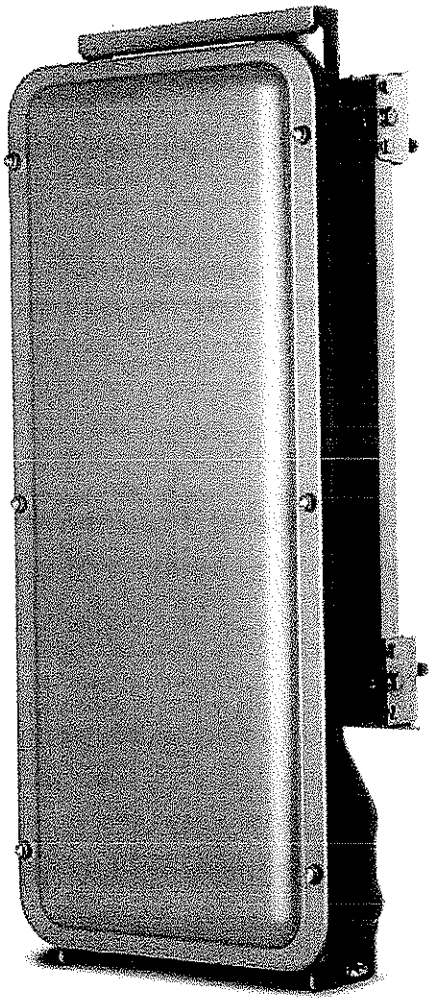
Electrical specification: per sector		
Frequency range	1800:	1710-1880 MHz
	1900:	1850-1990 MHz
	2100:	1920-2170 MHz
Polarization		Dual linear ±45°
Gain	1800:	2 x 14.6 dBi
	1900:	2 x 15.0 dBi
	2100:	2 x 15.5 dBi
Horizontal = 3 dB beamwidth		65° ±3°
Vertical = 3 dB beamwidth	1800:	18° ± 1°
	1900:	17° ± 1°
	2100:	15.5° ± 1°
Fixed electrical downtilt		2°
VSWR	1800:	<1.5:1
	1900:	<1.5:1
	2100:	<1.5:1
Isolation between inputs		>30 dB
Front to back ratio		>25 dB
Cross-polar discrimination		>20 dB
Inter modulation, IM3 (GSM)		>153 dBc@2x43 dBm
Inter modulation, IM7 (UMTS)		>163 dBc@2x43 dBm
Antenna Efficency*		98 %
Nominal impedance		50 Ω
Max power per input		500 W
Mechanical specification:		
Connectors		6 x 7/16 female
Connector position		Bottom
Lightning protection		DC grounded
Height/Diameter mm (in)		632 (24.9)/222(8.7)
Antenna weight		13 kg (29 lb)
Wind load at 42 m/s (94 mph) :		182 N (40 lbf)
Survival wind speed		60 m/s (134 mph)
Colour radome		Light Grey, RAL 7035
Radome material		ASA
Mounting hardware:		
Mounting bracket		2
Pole diameter		45-62 mm (1.8-2.4 in)
Part number:	CMM-TRI/6515/E2/1	Silver
	CMM-TRI/6515/E2/2	Brown
	CMM-TRI/6515/E2/3	Black

* Based on true measurements and calculated according to P_{rad}/P_{in}.

CellMax Technologies AB

DDH140 SERIES

Deltanodes Distributed High power radio head is a high performing wideband radio head equipped with an Analog PreDistortion power amplifier that supports all modulations. The light weight, convection cooled IP65 chassis secures the performance in almost any environment.



KEY FEATURES

- Rugged chassis for use in any environment
- Houses up to two bands or two sectors in the same casing
- Remote control with Ethernet over the fiber optical connection
- Operational parameters are set in a web interface, only a web browser is needed for control
- Wide band amplification, 15MHz instantaneous BW
- Alarms can be forwarded via SNMP to any Maintenance Centre*
- DHCP client for automatic IP configuration from the BGW
- WDM/CWDM as option
- External alarm in & out
- Diversity as option
- Complies to the RoHS directive 2002-95-EC

DDH140 SERIES

GENERAL SPECIFICATIONS

Noise Figure	Typical	3	dB
Delay excluding optical fiber		< 0,5	µs
Instantaneous Band Width	Max	15	MHz
Power Supply	Mains	85 – 264	VAC or VDC
Operating Temperature		-25 - +55	
Casing		IP65	

OPTICAL SPECIFICATIONS

RF Frequency range		88 – 2200	MHz
Flatness		+- 3	dB
Optical output power	Nominal	3	mW
DFB Laser output Wavelength		1270 - 1610	nm
Optical return loss		< -40	dB
Optical isolator	min	30	dB
Side-mode suppression ratio	min	30	dB
Maximum optical input power	non destructive	10	mW

SPECIFICATIONS DDH140(Single Band)

Power Consumption	Typical	210	W
Dimensions	WxDxH	300 x 130 x 700	mm
Weight		< 14	Kg

SPECIFICATIONS DDH240(Dual Band)

Power Consumption	Typical	420	W
Dimensions	WxDxH	300 x 220 x 700	mm
Weight		< 28	Kg

AVAILABLE PRODUCTS, AMERICAN CELLUALAR

System	UL Frequency MHz	DL Frequency MHz	Pout, DL, dBm (RMS)	Standard
LTE LB	698 - 716	728 - 746	44	FCC
LTE UB	746 -776*	776 – 806*	44	FCC
iDEN	806 - 824	851 - 869	44	FCC
Cellular	824 - 849	869 - 894	44	FCC
PCS1900	1850 - 1910	1930 - 1990	44	FCC
AWS	1710 - 1755	2110 - 2155	44	FCC

*Sub-bands available

Rel. 10-10

EXHIBIT 2

617.20
Appendix A
State Environmental Quality Review
FULL ENVIRONMENTAL ASSESSMENT FORM

Purpose: The full EAF is designed to help applicants and agencies determine, in an orderly manner, whether a project or action may be significant. The question of whether an action may be significant is not always easy to answer. Frequently, there are aspects of a project that are subjective or unmeasurable. It is also understood that those who determine significance may have little or no formal knowledge of the environment or may not be technically expert in environmental analysis. In addition, many who have knowledge in one particular area may not be aware of the broader concerns affecting the question of significance.

The full EAF is intended to provide a method whereby applicants and agencies can be assured that the determination process has been orderly, comprehensive in nature, yet flexible enough to allow introduction of information to fit a project or action.

Full EAF Components: The full EAF is comprised of three parts:

Part 1: Provides objective data and information about a given project and its site. By identifying basic project data, it assists a reviewer in the analysis that takes place in Parts 2 and 3.

Part 2: Focuses on identifying the range of possible impacts that may occur from a project or action. It provides guidance as to whether an impact is likely to be considered small to moderate or whether it is a potentially-large impact. The form also identifies whether an impact can be mitigated or reduced.

Part 3: If any impact in Part 2 is identified as potentially-large, then Part 3 is used to evaluate whether or not the impact is actually important.

THIS AREA FOR LEAD AGENCY USE ONLY

DETERMINATION OF SIGNIFICANCE -- Type 1 and Unlisted Actions

Identify the Portions of EAF completed for this project: ☐ Part 1 ☐ Part 2 ☐ Part 3

Upon review of the information recorded on this EAF (Parts 1 and 2 and 3 if appropriate), and any other supporting information, and considering both the magnitude and importance of each impact, it is reasonably determined by the lead agency that:

☒ A. The project will not result in any large and important impact(s) and, therefore, is one which **will not** have a significant impact on the environment, therefore **a negative declaration will be prepared.**

☐ B. Although the project could have a significant effect on the environment, there will not be a significant effect for this Unlisted Action because the mitigation measures described in PART 3 have been required, therefore **a CONDITIONED negative declaration will be prepared.***

☐ C. The project may result in one or more large and important impacts that may have a significant impact on the environment, therefore **a positive declaration will be prepared.**

*A Conditioned Negative Declaration is only valid for Unlisted Actions

Village of Pelham Distributed Antenna Network

Name of Action

ExteNet Systems, Inc.

Name of Lead Agency

Dave Schneider

Print or Type Name of Responsible Officer in Lead Agency

National Director, Planning & Dev., Ext. Rel.

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from responsible officer)

8/20/2014

Date

website

PART 1--PROJECT INFORMATION
Prepared by Project Sponsor

NOTICE: This document is designed to assist in determining whether the action proposed may have a significant effect on the environment. Please complete the entire form, Parts A through E. Answers to these questions will be considered as part of the application for approval and may be subject to further verification and public review. Provide any additional information you believe will be needed to complete Parts 2 and 3.

It is expected that completion of the full EAF will be dependent on information currently available and will not involve new studies, research or investigation. If information requiring such additional work is unavailable, so indicate and specify each instance.

Name of Action Village of Pelham Distributed Antenna Network

Location of Action (include Street Address, Municipality and County)

1. 145 Harmon Avenue Pelham, NY Lat. 40.913349911232/Lon. -73.8040688816572 2. Colonial Avenue @ Pelhamdale Pelham, NY Lat. 40.9020776830379/Lon.-73.8100404062308 3. 156 East 2nd Street Pelham, NY Lat. 40.9065587863709/Lon.-73.80579

Name of Applicant/Sponsor ExteNet Systems Inc.

Address 3030 Warrenville Rd

City / PO Lisle State IL Zip Code 60532

Business Telephone 630-505-3800

Name of Owner (if different) N/A

Address

City / PO State Zip Code

Business Telephone

Description of Action:

a) The Distributed Antenna System (DAS) network provides a low/no visual impact cellular telecommunication coverage solution in the Village, where a traditional cell tower is not practical and/or cannot achieve targeted coverage. The DAS network consists of a series of antenna and control cabinets attached to utility poles all connected by a fiber optic cable fed aerially or underground, terminating at an existing wireless "Hub" facility. In this case the wireless "Hub" is located in the City of Yonkers, NY.

All proposed collocation equipment is gray in color. The three locations listed below, provide area residents with improved wireless telephone coverage and the elimination of "dead" spots that presently exist – the result will be an improved quality of life and an enhanced public safety for residents and visitors. In addition, two poles listed below: 145 Harmon Ave and Colonial Ave @ Pelhamdale, are existing poles for equipment collocation. There is only one new pole being installed within the utility Right-of-Way (ROW) that will also have the collocation telecommunication equipment.

Proposed Locations:

1. 145 Harmon Avenue Pelham, NY
Lat. 40.913349911232/Lon. -73.8040688816572
Verizon Owned Pole

2. Colonial Avenue @ Pelhamdale Pelham, NY
Lat. 40.9020776830379/Lon.-73.8100404062308
Con Edison Owned Pole

3. 156 East 2nd Street Pelham, NY
Lat. 40.9065587863709/Lon.-73.8057904412309

Please Complete Each Question--Indicate N.A. if not applicable

A. SITE DESCRIPTION

Physical setting of overall project, both developed and undeveloped areas.

1. Present Land Use: ☐ Urban ☐ Industrial ☐ Commercial ☑ Residential (suburban) ☐ Rural (non-farm)
   ☐ Forest ☐ Agriculture ☑ Other Village Right-of-Way / Utilities

2. Total acreage of project area: N/A acres.

APPROXIMATE ACREAGE	PRESENTLY	AFTER COMPLETION
Meadow or Brushland (Non-agricultural)	N/A acres	N/A acres
Forested	N/A acres	N/A acres
Agricultural (Includes orchards, cropland, pasture, etc.)	N/A acres	N/A acres
Wetland (Freshwater or tidal as per Articles 24,25 of ECL)	N/A acres	N/A acres
Water Surface Area	N/A acres	N/A acres
Unvegetated (Rock, earth or fill)	N/A acres	N/A acres
Roads, buildings and other paved surfaces	N/A acres	N/A acres
Other (Indicate type) N/A (All work on utility poles in the ROW)	N/A acres	N/A acres

3. What is predominant soil type(s) on project site? Urban Land-Paxton complex
   a. Soil drainage: ☑ Well drained 100 % of site ☐ Moderately well drained ____% of site.
   ☐ Poorly drained ____% of site
   b. If any agricultural land is involved, how many acres of soil are classified within soil group 1 through 4 of the NYS Land Classification System? N/A acres (see 1 NYCRR 370).
4. Are there bedrock outcroppings on project site? ☐ Yes ☒ No
   a. What is depth to bedrock _____ (in feet)
5. Approximate percentage of proposed project site with slopes:
   ☑ 0-10% ____% ☐ 10- 15% ____% ☐ 15% or greater ____%
6. Is project substantially contiguous to, or contain a building, site, or district, listed on the State or National Registers of Historic Places? ☐ Yes ☒ No
7. Is project substantially contiguous to a site listed on the Register of National Natural Landmarks? ☐ Yes ☒ No
8. What is the depth of the water table? N/A (in feet)
9. Is site located over a primary, principal, or sole source aquifer? ☐ Yes ☒ No
10. Do hunting, fishing or shell fishing opportunities presently exist in the project area? ☐ Yes ☒ No

11. Does project site contain any species of plant or animal life that is identified as threatened or endangered? ☐ Yes ■ No

According to:

http://www.dec.ny.gov/imsmaps/ERM/viewer.htm

Identify each species:

N/A

12. Are there any unique or unusual land forms on the project site? (i.e., cliffs, dunes, other geological formations?

☐ Yes ■ No

Describe:

N/A

13. Is the project site presently used by the community or neighborhood as an open space or recreation area?

☐ Yes ■ No

If yes, explain:

N/A

14. Does the present site include scenic views known to be important to the community? ☐ Yes ■ No

N/A

15. Streams within or contiguous to project area:

None

a. Name of Stream and name of River to which it is tributary

N/A

16. Lakes, ponds, wetland areas within or contiguous to project area:

None

b. Size (in acres):

N/A

17. Is the site served by existing public utilities? ■ Yes ☐ No

    a. If **YES**, does sufficient capacity exist to allow connection? ■ Yes ☐ No

    b. If **YES**, will improvements be necessary to allow connection? ☐ Yes ■ No

18. Is the site located in an agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? ☐ Yes ■ No

19. Is the site located in or substantially contiguous to a Critical Environmental Area designated pursuant to Article 8 of the ECL, and 6 NYCRR 617? ☐ Yes ■ No

20. Has the site ever been used for the disposal of solid or hazardous wastes? ☐ Yes ■ No

B. Project Description

1. Physical dimensions and scale of project (fill in dimensions as appropriate).

    a. Total contiguous acreage owned or controlled by project sponsor: N/A acres.

    b. Project acreage to be developed: N/A acres initially; N/A acres ultimately.

    c. Project acreage to remain undeveloped: N/A acres.

    d. Length of project, in miles: 0 (if appropriate)

    e. If the project is an expansion, indicate percent of expansion proposed. N/A %

    f. Number of off-street parking spaces existing N/A ; proposed N/A

    g. Maximum vehicular trips generated per hour: N/A (upon completion of project)?

    h. If residential: Number and type of housing units:

	One Family	Two Family	Multiple Family	Condominium
Initially	N/A			
Ultimately	N/A			

    i. Dimensions (in feet) of largest proposed structure: _____ height; _____ width; _____ length.

    j. Linear feet of frontage along a public thoroughfare project will occupy is? N/A ft.

2. How much natural material (i.e. rock, earth, etc.) will be removed from the site? N/A tons/cubic yards.

3. Will disturbed areas be reclaimed ☐ Yes ☐ No ■ N/A

    a. If yes, for what intended purpose is the site being reclaimed?

    b. Will topsoil be stockpiled for reclamation? ☐ Yes ■ No

    c. Will upper subsoil be stockpiled for reclamation? ☐ Yes ■ No

4. How many acres of vegetation (trees, shrubs, ground covers) will be removed from site? N/A acres.

5. Will any mature forest (over 100 years old) or other locally-important vegetation be removed by this project?

☐ Yes ■ No

6. If single phase project: Anticipated period of construction: 1 months, (including demolition)

7. If multi-phased:

   a. Total number of phases anticipated N/A (number)

   b. Anticipated date of commencement phase 1: _____ month _____ year, (including demolition)

   c. Approximate completion date of final phase: _____ month _____ year.

   d. Is phase 1 functionally dependent on subsequent phases? ☐ Yes ■ No

8. Will blasting occur during construction? ☐ Yes ■ No

9. Number of jobs generated: during construction N/A ; after project is complete N/A

10. Number of jobs eliminated by this project N/A .

11. Will project require relocation of any projects or facilities? ☐ Yes ■ No

If yes, explain:

N/A

12. Is surface liquid waste disposal involved? ☐ Yes ■ No

   a. If yes, indicate type of waste (sewage, industrial, etc) and amount N/A

   b. Name of water body into which effluent will be discharged N/A

13. Is subsurface liquid waste disposal involved? ☐ Yes ■ No Type N/A

14. Will surface area of an existing water body increase or decrease by proposal? ☐ Yes ■ No

If yes, explain:

N/A

15. Is project or any portion of project located in a 100 year flood plain? ☐ Yes ■ No

16. Will the project generate solid waste? ☐ Yes ■ No

   a. If yes, what is the amount per month? N/A tons

   b. If yes, will an existing solid waste facility be used? ☐ Yes ☐ No

   c. If yes, give name N/A ; location N/A

   d. Will any wastes not go into a sewage disposal system or into a sanitary landfill? ☐ Yes ■ No

e. If yes, explain:

17. Will the project involve the disposal of solid waste? ☐ Yes ■ No

a. If yes, what is the anticipated rate of disposal? N/A tons/month.

b. If yes, what is the anticipated site life? N/A years.

18. Will project use herbicides or pesticides? ☐ Yes ■ No

19. Will project routinely produce odors (more than one hour per day)? ☐ Yes ■ No

20. Will project produce operating noise exceeding the local ambient noise levels? ☐ Yes ■ No

21. Will project result in an increase in energy use? ■ Yes ☐ No

If yes, indicate type(s)

Standard Electric Utilities on site, meter mounted to utility pole.

22. If water supply is from wells, indicate pumping capacity N/A gallons/minute.

23. Total anticipated water usage per day N/A gallons/day.

24. Does project involve Local, State or Federal funding? ☐ Yes ■ No

If yes, explain:

25. Approvals Required:

			Type	Submittal Date
City, Town, Village Board	☒ Yes	☐ No	Board vote and approval	TBD
			Right-of-Way Agreement	
			Chapter 87 Special Permit	
City, Town, Village Planning Board	☐ Yes	☒ No		
City, Town Zoning Board	☐ Yes	☒ No		
City, County Health Department	☐ Yes	☒ No		
Other Local Agencies	☐ Yes	☒ No		
Other Regional Agencies	☐ Yes	☒ No		
State Agencies	☒ Yes	☐ No	NEPA	completed
			SHPO	completed
			TCNS	completed
Federal Agencies	☐ Yes	☒ No		

C. Zoning and Planning Information

1. Does proposed action involve a planning or zoning decision? ☒ Yes ☐ No

If Yes, indicate decision required:

☐ Zoning amendment ☐ Zoning variance ☐ New/revision of master plan ☐ Subdivision

☐ Site plan ☒ Special use permit ☐ Resource management plan ☐ Other

2. What is the zoning classification(s) of the site?

Residential / Village Right-of-Way

3. What is the maximum potential development of the site if developed as permitted by the present zoning?

N/A

4. What is the proposed zoning of the site?

N/A

5. What is the maximum potential development of the site if developed as permitted by the proposed zoning?

N/A

6. Is the proposed action consistent with the recommended uses in adopted local land use plans? ☐ Yes ☐ No

N/A. Proposed telecommunication collocation equipment on wooden utility poles within the ROW.

7. What are the predominant land use(s) and zoning classifications within a ¼ mile radius of proposed action?

Residential.

8. Is the proposed action compatible with adjoining/surrounding land uses with a ¼ mile? ■ Yes ☐ No

9. If the proposed action is the subdivision of land, how many lots are proposed? N/A

   a. What is the minimum lot size proposed? N/A

10. Will proposed action require any authorization(s) for the formation of sewer or water districts? ☐ Yes ■ No

N/A

11. Will the proposed action create a demand for any community provided services (recreation, education, police, fire protection?

☐ Yes ■ No

a. If yes, is existing capacity sufficient to handle projected demand? ☐ Yes ☐ No

N/A

12. Will the proposed action result in the generation of traffic significantly above present levels? ☐ Yes ■ No

a. If yes, is the existing road network adequate to handle the additional traffic. ☐ Yes ☐ No

N/A

D. Informational Details

Attach any additional information as may be needed to clarify your project. If there are or may be any adverse impacts associated with your proposal, please discuss such impacts and the measures which you propose to mitigate or avoid them.

E. Verification

I certify that the information provided above is true to the best of my knowledge.

Applicant/Sponsor Name Dave Schneider Date 8/20/2014

Signature 

Title National Director, Planning & Development, External Relations

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment.

PART 2 - PROJECT IMPACTS AND THEIR MAGNITUDE

Responsibility of Lead Agency

General Information (Read Carefully)

! In completing the form the reviewer should be guided by the question: Have my responses and determinations been **reasonable?** The reviewer is not expected to be an expert environmental analyst.

! The **Examples** provided are to assist the reviewer by showing types of impacts and wherever possible the threshold of magnitude that would trigger a response in column 2. The examples are generally applicable throughout the State and for most situations. But, for any specific project or site other examples and/or lower thresholds may be appropriate for a Potential Large Impact response, thus requiring evaluation in Part 3.

! The impacts of each project, on each site, in each locality, will vary. Therefore, the examples are illustrative and have been offered as guidance. They do not constitute an exhaustive list of impacts and thresholds to answer each question.

! The number of examples per question does not indicate the importance of each question.

! In identifying impacts, consider long term, short term and cumulative effects.

Instructions (Read carefully)

a. Answer each of the 20 questions in PART 2. Answer **Yes** if there will be **any** impact.

b. **Maybe** answers should be considered as **Yes** answers.

c. If answering **Yes** to a question then check the appropriate box(column 1 or 2)to indicate the potential size of the impact. If impact threshold equals or exceeds any example provided, check column 2. If impact will occur but threshold is lower than example, check column 1.

d. Identifying that an Impact will be potentially large (column 2) does not mean that it is also necessarily **significant**. Any large impact must be evaluated in PART 3 to determine significance. Identifying an impact in column 2 simply asks that it be looked at further.

e. If reviewer has doubt about size of the impact then consider the impact as potentially large and proceed to PART 3.

f. If a potentially large impact checked in column 2 can be mitigated by change(s) in the project to a small to moderate impact, also check the **Yes** box in column 3. A **No** response indicates that such a reduction is not possible. This must be explained in Part 3.

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
Impact on Land			
1. Will the Proposed Action result in a physical change to the project site? NO ☐ YES ☒			
Examples that would apply to column 2			
• Any construction on slopes of 15% or greater, (15 foot rise per 100 foot of length), or where the general slopes in the project area exceed 10%.	☐	☐	☐ Yes ☐ No
• Construction on land where the depth to the water table is less than 3 feet.	☐	☐	☐ Yes ☐ No
• Construction of paved parking area for 1,000 or more vehicles.	☐	☐	☐ Yes ☐ No
• Construction on land where bedrock is exposed or generally within 3 feet of existing ground surface.	☐	☐	☐ Yes ☐ No
• Construction that will continue for more than 1 year or involve more than one phase or stage.	☐	☐	☐ Yes ☐ No
• Excavation for mining purposes that would remove more than 1,000 tons of natural material (i.e., rock or soil) per year.	☐	☐	☐ Yes ☐ No

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
• Construction or expansion of a santary landfill.	☐	☐	☐ Yes ☐ No
• Construction in a designated floodway.	☐	☐	☐ Yes ☐ No
• Other impacts:	☐	☐	☐ Yes ☐ No

Telecommunication equipment mounted to two (2) existing and one (1) new proposed wooden utility pole within the ROW. Non-Intrusive minimal visual impact only.

2. Will there be an effect to any unique or unusual land forms found on the site? (i.e., cliffs, dunes, geological formations, etc.)
   ☒ NO ☐ YES

• Specific land forms:	☐	☐	☐ Yes ☐ No

Impact on Water

3. Will Proposed Action affect any water body designated as protected? (Under Articles 15, 24, 25 of the Environmental Conservation Law, ECL)
   ☒ NO ☐ YES

Examples that would apply to column 2

• Developable area of site contains a protected water body.	☐	☐	☐ Yes ☐ No
• Dredging more than 100 cubic yards of material from channel of a protected stream.	☐	☐	☐ Yes ☐ No
• Extension of utility distribution facilities through a protected water body.	☐	☐	☐ Yes ☐ No
• Construction in a designated freshwater or tidal wetland.	☐	☐	☐ Yes ☐ No
• Other impacts:	☐	☐	☐ Yes ☐ No

4. Will Proposed Action affect any non-protected existing or new body of water?
   ☒ NO ☐ YES

Examples that would apply to column 2

• A 10% increase or decrease in the surface area of any body of water or more than a 10 acre increase or decrease.	☐	☐	☐ Yes ☐ No
• Construction of a body of water that exceeds 10 acres of surface area.	☐	☐	☐ Yes ☐ No
• Other impacts:	☐	☐	☐ Yes ☐ No

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
5. Will Proposed Action affect surface or groundwater quality or quantity? ☒ NO ☐ YES			
Examples that would apply to column 2			
• Proposed Action will require a discharge permit.	☐	☐	☐ Yes ☐ No
• Proposed Action requires use of a source of water that does not have approval to serve proposed (project) action.	☐	☐	☐ Yes ☐ No
• Proposed Action requires water supply from wells with greater than 45 gallons per minute pumping capacity.	☐	☐	☐ Yes ☐ No
• Construction or operation causing any contamination of a water supply system.	☐	☐	☐ Yes ☐ No
• Proposed Action will adversely affect groundwater.	☐	☐	☐ Yes ☐ No
• Liquid effluent will be conveyed off the site to facilities which presently do not exist or have inadequate capacity.	☐	☐	☐ Yes ☐ No
• Proposed Action would use water in excess of 20,000 gallons per day.	☐	☐	☐ Yes ☐ No
• Proposed Action will likely cause siltation or other discharge into an existing body of water to the extent that there will be an obvious visual contrast to natural conditions.	☐	☐	☐ Yes ☐ No
• Proposed Action will require the storage of petroleum or chemical products greater than 1,100 gallons.	☐	☐	☐ Yes ☐ No
• Proposed Action will allow residential uses in areas without water and/or sewer services.	☐	☐	☐ Yes ☐ No
• Proposed Action locates commercial and/or industrial uses which may require new or expansion of existing waste treatment and/or storage facilities.	☐	☐	☐ Yes ☐ No
• Other impacts:	☐	☐	☐ Yes ☐ No

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change

6. Will Proposed Action alter drainage flow or patterns, or surface water runoff?
[■] NO [ ] YES

Examples that would apply to column 2

• Proposed Action would change flood water flows	☐	☐	☐ Yes ☐ No
• Proposed Action may cause substantial erosion.	☐	☐	☐ Yes ☐ No
• Proposed Action is incompatible with existing drainage patterns.	☐	☐	☐ Yes ☐ No
• Proposed Action will allow development in a designated floodway.	☐	☐	☐ Yes ☐ No
• Other impacts:	☐	☐	☐ Yes ☐ No

IMPACT ON AIR

7. Will Proposed Action affect air quality?
[■] NO [ ] YES

Examples that would apply to column 2

• Proposed Action will induce 1,000 or more vehicle trips in any given hour.	☐	☐	☐ Yes ☐ No
• Proposed Action will result in the incineration of more than 1 ton of refuse per hour.	☐	☐	☐ Yes ☐ No
• Emission rate of total contaminants will exceed 5 lbs. per hour or a heat source producing more than 10 million BTU's per hour.	☐	☐	☐ Yes ☐ No
• Proposed Action will allow an increase in the amount of land committed to industrial use.	☐	☐	☐ Yes ☐ No
• Proposed Action will allow an increase in the density of industrial development within existing industrial areas.	☐	☐	☐ Yes ☐ No
• Other impacts:	☐	☐	☐ Yes ☐ No

IMPACT ON PLANTS AND ANIMALS

8. Will Proposed Action affect any threatened or endangered species?
[■] NO [ ] YES

Examples that would apply to column 2

• Reduction of one or more species listed on the New York or Federal list, using the site, over or near the site, or found on the site.	☐	☐	☐ Yes ☐ No

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
• Removal of any portion of a critical or significant wildlife habitat.	☐	☐	☐ Yes ☐ No
• Application of pesticide or herbicide more than twice a year, other than for agricultural purposes.	☐	☐	☐ Yes ☐ No
• Other impacts:	☐	☐	☐ Yes ☐ No

9. Will Proposed Action substantially affect non-threatened or non-endangered species?
☒ NO ☐ YES

Examples that would apply to column 2			
• Proposed Action would substantially interfere with any resident or migratory fish, shellfish or wildlife species.	☐	☐	☐ Yes ☐ No
• Proposed Action requires the removal of more than 10 acres of mature forest (over 100 years of age) or other locally important vegetation.	☐	☐	☐ Yes ☐ No
• Other impacts:	☐	☐	☐ Yes ☐ No

IMPACT ON AGRICULTURAL LAND RESOURCES

10. Will Proposed Action affect agricultural land resources?
☒ NO ☐ YES

Examples that would apply to column 2			
• The Proposed Action would sever, cross or limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc.)	☐	☐	☐ Yes ☐ No
• Construction activity would excavate or compact the soil profile of agricultural land.	☐	☐	☐ Yes ☐ No
• The Proposed Action would irreversibly convert more than 10 acres of agricultural land or, if located in an Agricultural District, more than 2.5 acres of agricultural land.	☐	☐	☐ Yes ☐ No

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
• The Proposed Action would disrupt or prevent installation of agricultural land management systems (e.g., subsurface drain lines, outlet ditches, strip cropping); or create a need for such measures (e.g. cause a farm field to drain poorly due to increased runoff).	☐	☐	☐ Yes ☐ No
• Other impacts:	☐	☐	☐ Yes ☐ No

IMPACT ON AESTHETIC RESOURCES

11. Will Proposed Action affect aesthetic resources? (If necessary, use the Visual EAF Addendum in Section 617.20, Appendix B.)
☐ NO ☒ YES

Examples that would apply to column 2			
• Proposed land uses, or project components obviously different from or in sharp contrast to current surrounding land use patterns, whether man-made or natural.	☐	☐	☐ Yes ☐ No
• Proposed land uses, or project components visible to users of aesthetic resources which will eliminate or significantly reduce their enjoyment of the aesthetic qualities of that resource.	☐	☐	☐ Yes ☐ No
• Project components that will result in the elimination or significant screening of scenic views known to be important to the area.	☐	☐	☐ Yes ☐ No
• Other impacts:	☐	☐	☐ Yes ☐ No

Telecommunications equipment mounted to two (2) existing and one (1) new proposed wooden utility pole within the ROW. Non-Intrusive, minimal visual impact only.

IMPACT ON HISTORIC AND ARCHAEOLOGICAL RESOURCES

12. Will Proposed Action impact any site or structure of historic, prehistoric or paleontological importance?
☒ NO ☐ YES

Examples that would apply to column 2			
• Proposed Action occurring wholly or partially within or substantially contiguous to any facility or site listed on the State or National Register of historic places.	☐	☐	☐ Yes ☐ No
• Any impact to an archaeological site or fossil bed located within the project site.	☐	☐	☐ Yes ☐ No
• Proposed Action will occur in an area designated as sensitive for archaeological sites on the NYS Site Inventory.	☐	☐	☐ Yes ☐ No

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
• Other impacts:	☐	☐	☐ Yes ☐ No

IMPACT ON OPEN SPACE AND RECREATION

13. Will proposed Action affect the quantity or quality of existing or future open spaces or recreational opportunities?
☒ NO ☐ YES

Examples that would apply to column 2			
• The permanent foreclosure of a future recreational opportunity.	☐	☐	☐ Yes ☐ No
• A major reduction of an open space important to the community.	☐	☐	☐ Yes ☐ No
• Other impacts:	☐	☐	☐ Yes ☐ No

IMPACT ON CRITICAL ENVIRONMENTAL AREAS

14. Will Proposed Action impact the exceptional or unique characteristics of a critical environmental area (CEA) established pursuant to subdivision 6NYCRR 617.14(g)?
☒ NO ☐ YES

List the environmental characteristics that caused the designation of the CEA.

Examples that would apply to column 2			
• Proposed Action to locate within the CEA?	☐	☐	☐ Yes ☐ No
• Proposed Action will result in a reduction in the quantity of the resource?	☐	☐	☐ Yes ☐ No
• Proposed Action will result in a reduction in the quality of the resource?	☐	☐	☐ Yes ☐ No
• Proposed Action will impact the use, function or enjoyment of the resource?	☐	☐	☐ Yes ☐ No
• Other impacts:	☐	☐	☐ Yes ☐ No

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change

IMPACT ON TRANSPORTATION

15. Will there be an effect to existing transportation systems?
☒ NO ☐ YES

Examples that would apply to column 2

- Alteration of present patterns of movement of people and/or goods. ☐ ☐ ☐ Yes ☐ No
- Proposed Action will result in major traffic problems. ☐ ☐ ☐ Yes ☐ No
- Other impacts: ☐ ☐ ☐ Yes ☐ No

IMPACT ON ENERGY

16. Will Proposed Action affect the community's sources of fuel or energy supply?

☒ NO ☐ YES

Examples that would apply to column 2

- Proposed Action will cause a greater than 5% increase in the use of any form of energy in the municipality. ☐ ☐ ☐ Yes ☐ No
- Proposed Action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two family residences or to serve a major commercial or industrial use. ☐ ☐ ☐ Yes ☐ No
- Other impacts: ☐ ☐ ☐ Yes ☐ No

NOISE AND ODOR IMPACT

17. Will there be objectionable odors, noise, or vibration as a result of the Proposed Action?

☒ NO ☐ YES

Examples that would apply to column 2

- Blasting within 1,500 feet of a hospital, school or other sensitive facility. ☐ ☐ ☐ Yes ☐ No
- Odors will occur routinely (more than one hour per day). ☐ ☐ ☐ Yes ☐ No
- Proposed Action will produce operating noise exceeding the local ambient noise levels for noise outside of structures. ☐ ☐ ☐ Yes ☐ No
- Proposed Action will remove natural barriers that would act as a noise screen. ☐ ☐ ☐ Yes ☐ No
- Other impacts: ☐ ☐ ☐ Yes ☐ No

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change

IMPACT ON PUBLIC HEALTH

18. Will Proposed Action affect public health and safety?
☒ NO ☐ YES

• Proposed Action may cause a risk of explosion or release of hazardous substances (i.e. oil, pesticides, chemicals, radiation, etc.) in the event of accident or upset conditions, or there may be a chronic low level discharge or emission.	☐	☐	☐ Yes ☐ No
• Proposed Action may result in the burial of "hazardous wastes" in any form (i.e. toxic, poisonous, highly reactive, radioactive, irritating, infectious, etc.)	☐	☐	☐ Yes ☐ No
• Storage facilities for one million or more gallons of liquefied natural gas or other flammable liquids.	☐	☐	☐ Yes ☐ No
• Proposed Action may result in the excavation or other disturbance within 2,000 feet of a site used for the disposal of solid or hazardous waste.	☐	☐	☐ Yes ☐ No
• Other impacts:	☐	☐	☐ Yes ☐ No

IMPACT ON GROWTH AND CHARACTER OF COMMUNITY OR NEIGHBORHOOD

19. Will Proposed Action affect the character of the existing community?
☒ NO ☐ YES

Examples that would apply to column 2

• The permanent population of the city, town or village in which the project is located is likely to grow by more than 5%.	☐	☐	☐ Yes ☐ No
• The municipal budget for capital expenditures or operating services will increase by more than 5% per year as a result of this project.	☐	☐	☐ Yes ☐ No
• Proposed Action will conflict with officially adopted plans or goals.	☐	☐	☐ Yes ☐ No
• Proposed Action will cause a change in the density of land use.	☐	☐	☐ Yes ☐ No
• Proposed Action will replace or eliminate existing facilities, structures or areas of historic importance to the community.	☐	☐	☐ Yes ☐ No
• Development will create a demand for additional community services (e.g. schools, police and fire, etc.)	☐	☐	☐ Yes ☐ No

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
• Proposed Action will set an important precedent for future projects.	☐	☐	☐ Yes ☐ No
• Proposed Action will create or eliminate employment.	☐	☐	☐ Yes ☐ No
• Other impacts:	☐	☐	☐ Yes ☐ No

20. Is there, or is there likely to be, public controversy related to potential adverse environment impacts?
☒ NO ☐ YES

If Any Action in Part 2 Is Identified as a Potential Large Impact or If you Cannot Determine the Magnitude of Impact, Proceed to Part 3

Part 3 - EVALUATION OF THE IMPORTANCE OF IMPACTS

Responsibility of Lead Agency

Part 3 must be prepared if one or more impact(s) is considered to be potentially large, even if the impact(s) may be mitigated.

Instructions (If you need more space, attach additional sheets)

Discuss the following for each impact identified in Column 2 of Part 2:

1. Briefly describe the impact.

2. Describe (if applicable) how the impact could be mitigated or reduced to a small to moderate impact by project change(s).

3. Based on the information available, decide if it is reasonable to conclude that this impact is **important**.

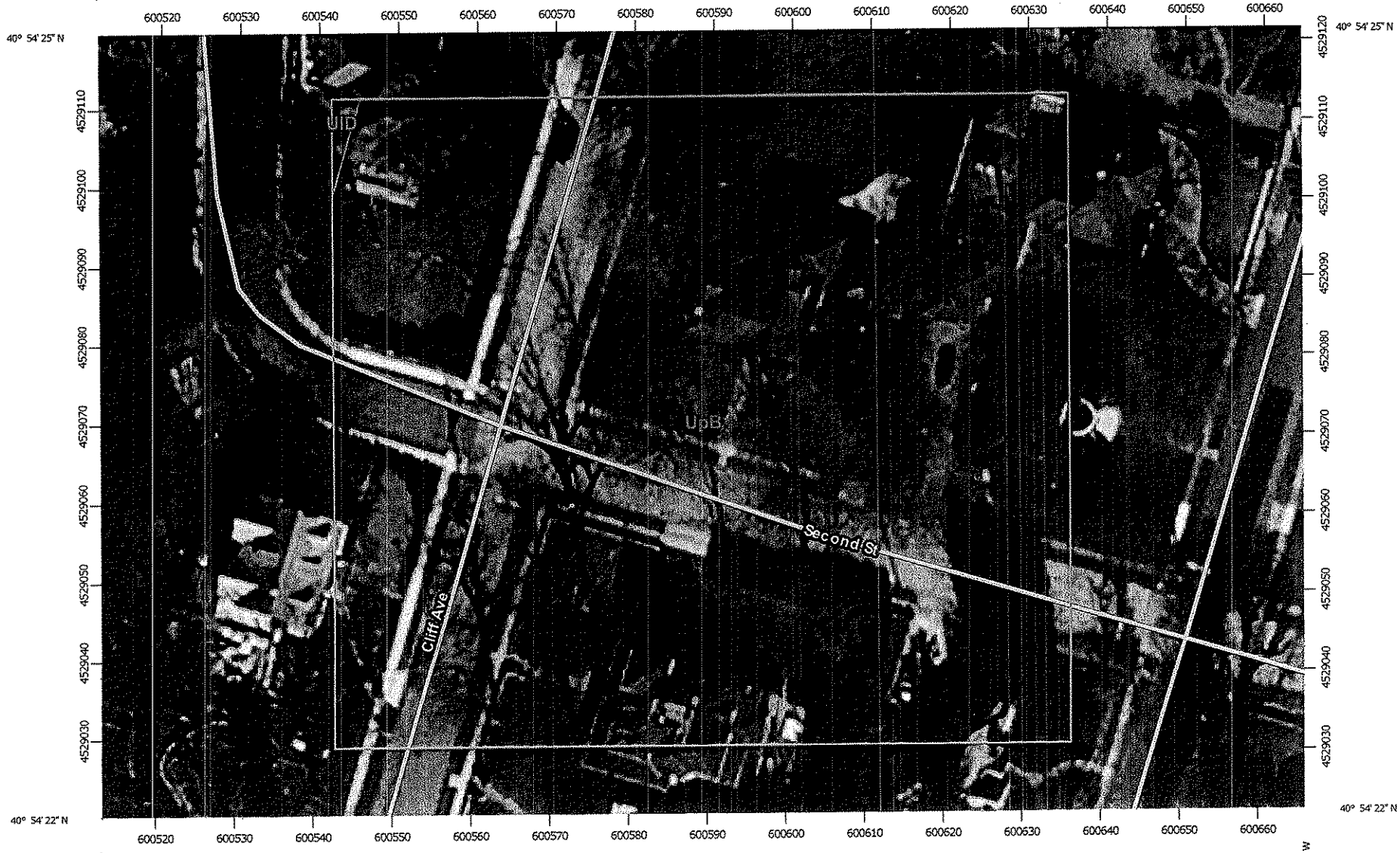
   To answer the question of importance, consider:

   - The probability of the impact occurring
   - The duration of the impact
   - Its irreversibility, including permanently lost resources of value
   - Whether the impact can or will be controlled
   - The regional consequence of the impact
   - Its potential divergence from local needs and goals
   - Whether known objections to the project relate to this impact.

N/A

Reset

Soil Map—Westchester County, New York
(156 East 2nd St, Pelham, NY)



Map Scale: 1:698 if printed on A landscape (11" x 8.5") sheet.

Meters: 0 10 20 40 60

Feet: 0 30 60 120 180

Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 18N WGS84

MAP LEGEND

Area of Interest (AOI)
- Area of Interest (AOI)

Soils
- Soil Map Unit Polygons
- Soil Map Unit Lines
- Soil Map Unit Points

Special Point Features
- Blowout
- Borrow Pit
- Clay Spot
- Closed Depression
- Gravel Pit
- Gravelly Spot
- Landfill
- Lava Flow
- Marsh or swamp
- Mine or Quarry
- Miscellaneous Water
- Perennial Water
- Rock Outcrop
- Saline Spot
- Sandy Spot
- Severely Eroded Spot
- Sinkhole
- Slide or Slip
- Sodic Spot
- Spoil Area
- Stony Spot
- Very Stony Spot
- Wet Spot
- Other
- Special Line Features

Water Features
- Streams and Canals

Transportation
- Rails
- Interstate Highways
- US Routes
- Major Roads
- Local Roads

Background
- Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:12,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL: http://websoilsurvey.nrcs.usda.gov
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Westchester County, New York
Survey Area Data: Version 9, Dec 15, 2013

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Mar 26, 2011—Apr 16, 2012

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

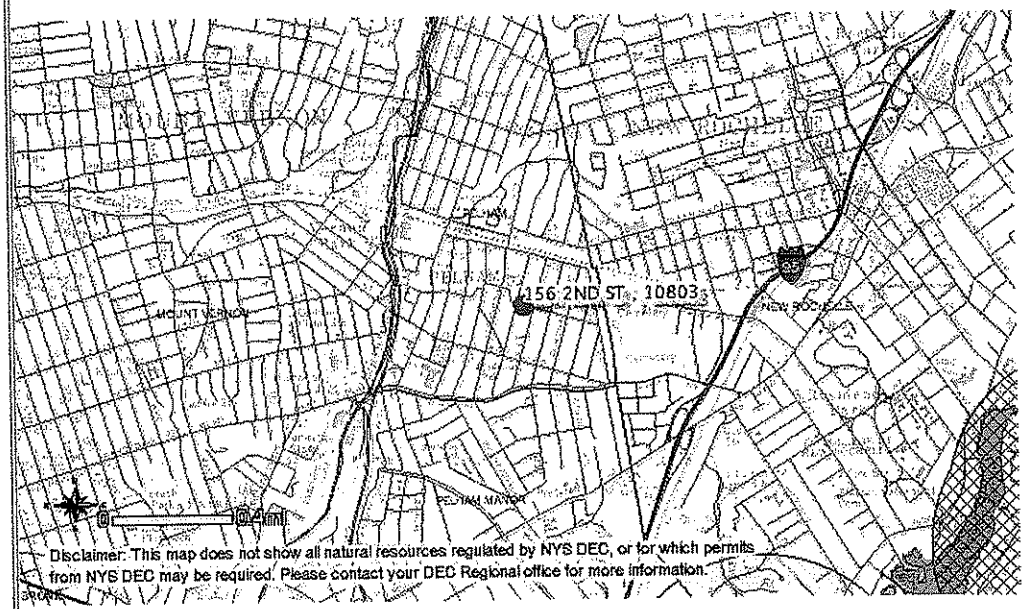
Map Unit Legend

Westchester County, New York (NY119)			
Map Unit Symbol	**Map Unit Name**	**Acres in AOI**	**Percent of AOI**
UID	Urban land-Charlton-Chatfield complex, hilly, very rocky	0.0	0.3%
UpB	Urban land-Paxton complex, 2 to 8 percent slopes	1.9	99.7%
Totals for Area of Interest		**1.9**	**100.0%**

[print page] [close window]

Please set your printer orientation to "Landscape".

Pelham, NY DEC Env. Resource Mapper



Disclaimer: This map does not show all natural resources regulated by NYS DEC, or for which permits from NYS DEC may be required. Please contact your DEC Regional office for more information.

MinX: 597903, MaxX: 603209, MinY: 4530360, MaxY: 4527723

Visible Layers

- Classified Streams
- Classified Ponds
- State-Regulated Freshwater Wetlands
- Wetland Checkzone
- State-Regulated Freshwater Wetlands
- Rare Plants and Rare Animals
- Significant Natural Communities Buffered
- Natural Communities Nearby
- Significant Natural Communities
- Interstate Highways
- Counties

EXHIBIT 3

BL Companies

November 16, 2012

Ms. Carly Cowher
Director, Municipal Affairs East
ExteNet Systems, Incorporated
One Research Drive
Suite 200C
Westborough, MA 01581

RE: Collocation Exemption Letter Report
Yonkers ODAS Network - Node – PLH001
145 Harmon Avenue
Town of Pelham, Westchester County, New York

Dear Ms. Cowher:

At the request of ExteNet Systems, Inc. (ExteNet), BL Companies has prepared this Collocation Exemption Letter Report for the telecommunication antenna collocation at the above referenced location. This action is submitted for review pursuant to the Nationwide Programmatic Agreement for the Collocation of Wireless Antennas (NCPA) executed by the Federal Communications Commission (FCC), the National Conference of State Historic Preservation Officers (NCSHPO), and the Advisory Council on Historic Preservation (ACHP) effective March 16, 2001.

Description of the Action

The proposed telecommunication antenna is to be collocated on an existing utility pole within a suburban setting at 145 Harmon Avenue, Pelham, New York. The attached lease exhibit depicts the profile for nodes within the Yonkers ODAS Network. The existing utility pole top height is 29 feet high above ground level (AGL). The proposed node includes the addition of a new antenna measuring three feet in height. Thus, the new total height of the pole and proposed antennas will be approximately 32 feet AGL.

Evaluation Criteria

For such a project, the FCC applicant is required to consider whether the action may affect historic properties in accordance with §1.1307(a) (4) and 36 CFR Part 800 (Section 106). Historic properties are defined as districts, sites, buildings, structures or objects, significant in American history, architecture, archaeology, engineering or culture that are listed, or are eligible for listing in the National Register of Historic Places (NRHP).

The NCPA, executed by the FCC, the NCSHPO and the ACHP, further amends the Section 106 requirements of the FCC/applicant at an existing tower or non-tower structure in order for the collocation review process for wireless and broadcast antennas, and their associated equipment to be streamlined. Pursuant to Stipulation V, an antenna may be mounted on a non-tower structure without such location being reviewed under the consultation process set forth under Subpart B of 36 CFR Part 800, unless:
1. The building or non-tower structure is over 45 years old; or

2. The building or non-tower structure is inside the boundary of an historic district, the collocation is visible from the ground level of an historic district, or the building or structure is within 250 feet of the boundary of an historic district; or

3. The building or non-tower structure is a designated National Historic Landmark, or is listed in or is eligible for listing in the NRHP based upon the review of the licensee, tower company or applicant for an antenna license; or

4. The collocation licensee or the owner of the building or non-tower structure has received written or electronic notification that the FCC is in receipt of a complaint from a member of the public, a SHPO, or the ACHP that the collocation has an adverse effect on one or more historic properties. Any such complaint must be in writing and supported by substantial evidence describing how the effect from the collocation is adverse to the attributes that qualify any affected historic property for eligibility or potential eligibility for the NRHP.

BL Companies has performed a review of available records, files, maps, and other materials from several resources in order to determine the status of the collocation under the 3/16/01 NCPA. These resources include: the New York Division of Historic Preservation, which acts as the State Historic Preservation Office (SHPO) in New York; the National Register of Historic Places database; the National Historic Landmarks database; aerial photographs; and information, provided by ExteNet regarding the proposed project. After review of these resources, BL has determined that this specific location meets the criteria under Stipulation V of the NCPA, for the following reasons:

a) the utility pole structure is less than 45 years old,
b) the location of the pole used for collocation is not within the boundary of a historic district,
c) the location is not within 250 feet of the historic district,
d) the collocation will not visible from the ground level of a historic district,
e) the pole is not located on a National Historic Landmark structure or a property listed in or eligible for listing in the NRHP, and
f) no complaints have been filed.

Conclusions

It is the conclusion of BL Companies that the project, as described above, meets the criteria for collocations on buildings and non-tower structures as stipulated in the 2001 NCPA and the NPA effective March 7, 2005.

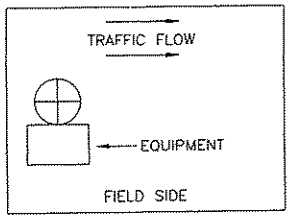
Sincerely,

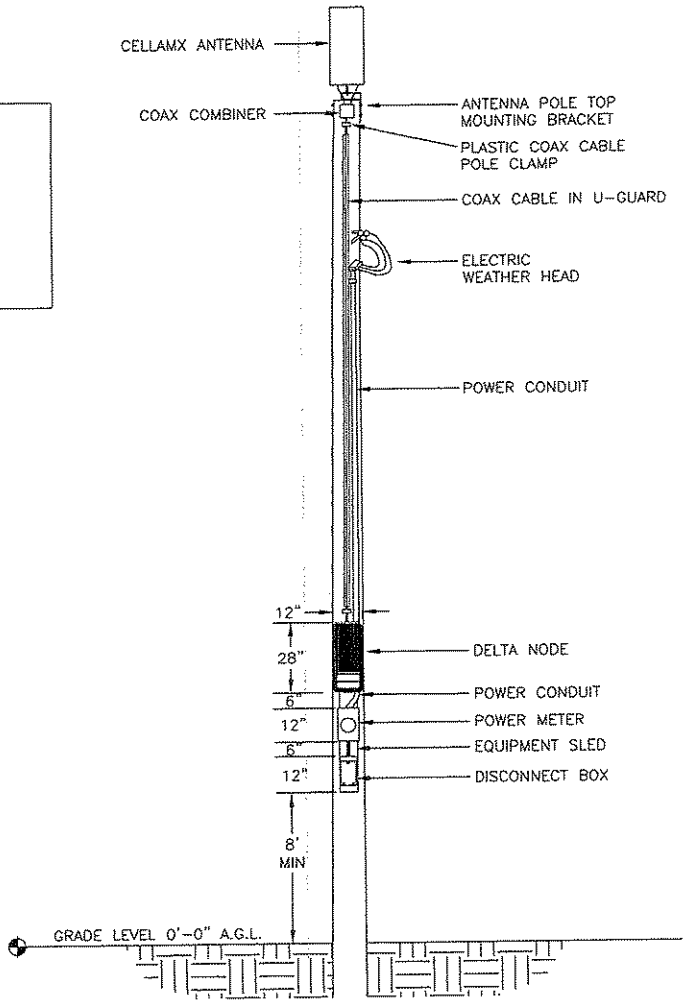
BL Companies

Gretchen E. Yarnall
Senior Project Manager

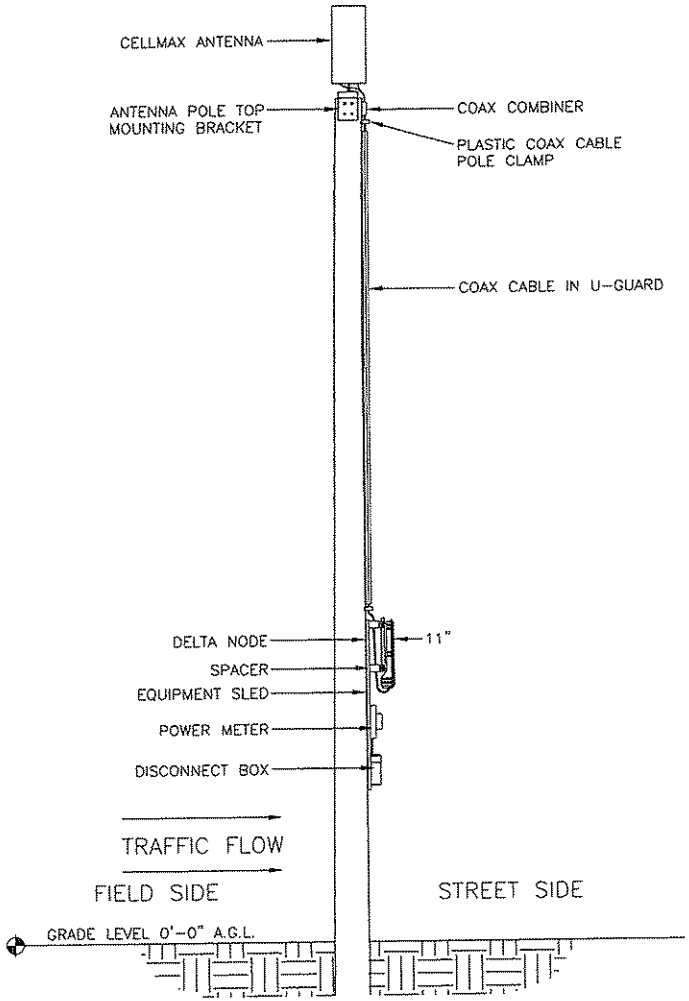
Attachments

PELHAM, NY - NODE POLE ELEVATION DETAIL





POLE ELEVATION DETAIL – FIELD SIDE VIEW



POLE ELEVATION DETAIL – SIDE VIEW

Prepared By:
Waveguide
14 Kidder Road
Chelmsford, MA 01824
978.670.0000
waveguidefiber.com

General Notes:

All power & pole top work shall be performed by the utility or an approved contractors.

Project Contacts:

Rick Angelini, Extenet Systems
508-776-2161
rangelini@extenetsystems.com

Carly Cowher, Extenet Systems
774-230-3288
ccowher@extenetsystems.com

extenet SYSTEMS
3030 Warrenville Road
Suite 340
Lisle, IL 60532
Phone: (630) 505-3800

Project name: NE-NY-YONKERSX-TMO

Revision: DRAFT
Description:

Proj. Coordinator: Rick Angelini
Approved By:

Location: Pelham, NY

Date: 04/20/2012

Scale: NTS

Sheet: SK1

BL Companies

November 16, 2012

Ms. Carly Cowher
Director, Municipal Affairs East
ExteNet Systems, Incorporated
One Research Drive
Suite 200C
Westborough, MA 01581

RE: Collocation Exemption Letter Report
Yonkers ODAS Network - Node – PLH002
Colonial Avenue at Pelhamdale Avenue
Town of Pelham, Westchester County, New York

Dear Ms. Cowher:

At the request of ExteNet Systems, Inc. (ExteNet), BL Companies has prepared this Collocation Exemption Letter Report for the telecommunication antenna collocation at the above referenced location. This action is submitted for review pursuant to the Nationwide Programmatic Agreement for the Collocation of Wireless Antennas (NCPA) executed by the Federal Communications Commission (FCC), the National Conference of State Historic Preservation Officers (NCSHPO), and the Advisory Council on Historic Preservation (ACHP) effective March 16, 2001.

Description of the Action

The proposed telecommunication antenna is to be collocated on an existing utility pole within a suburban setting at the intersection of Colonial Avenue and Pelhamdale Avenue, Pelham, New York. The attached lease exhibit depicts the profile for nodes within the Yonkers ODAS Network. The existing utility pole top height is 33.5 feet high above ground level (AGL). The proposed node includes the addition of a new antenna measuring three feet in height. Thus, the new total height of the pole and proposed antennas will be approximately 36.5 feet AGL.

Evaluation Criteria

For such a project, the FCC applicant is required to consider whether the action may affect historic properties in accordance with §1.1307(a) (4) and 36 CFR Part 800 (Section 106). Historic properties are defined as districts, sites, buildings, structures or objects, significant in American history, architecture, archaeology, engineering or culture that are listed, or are eligible for listing in the National Register of Historic Places (NRHP).

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BL Companies

Gretchen E. Yarnall
Senior Project Manager

Attachments

BL Companies

November 16, 2012

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Director, Municipal Affairs East
ExteNet Systems, Incorporated
One Research Drive
Suite 200C
Westborough, MA 01581

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Yonkers ODAS Network - Node – PLH002
Colonial Avenue at Pelhamdale Avenue
Town of Pelham, Westchester County, New York

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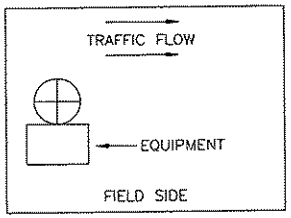
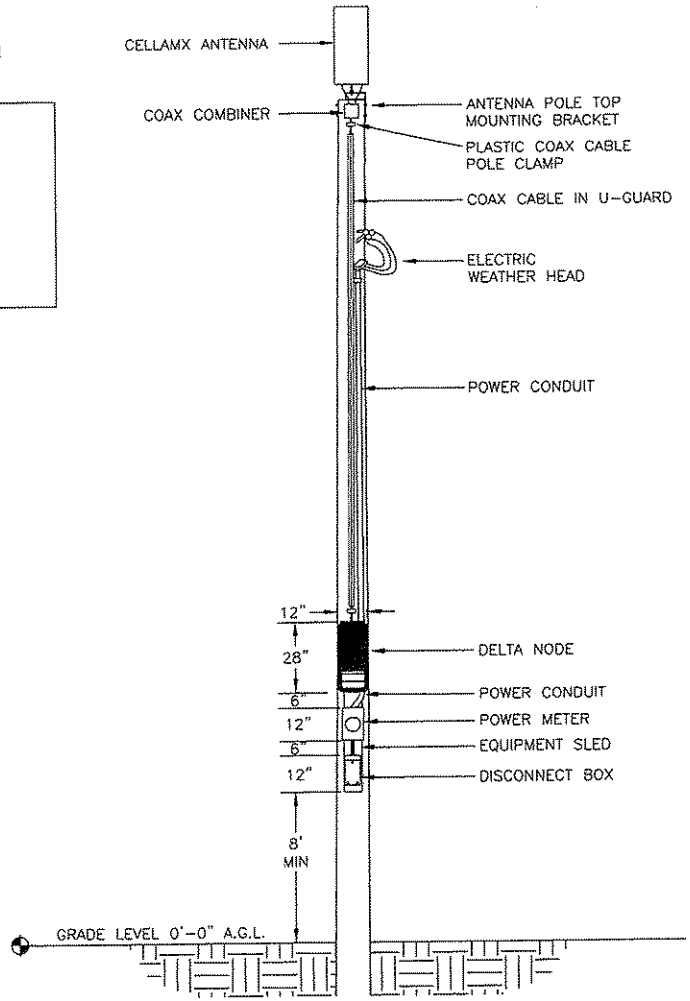
BL Companies

Gretchen E. Yarnall
Senior Project Manager

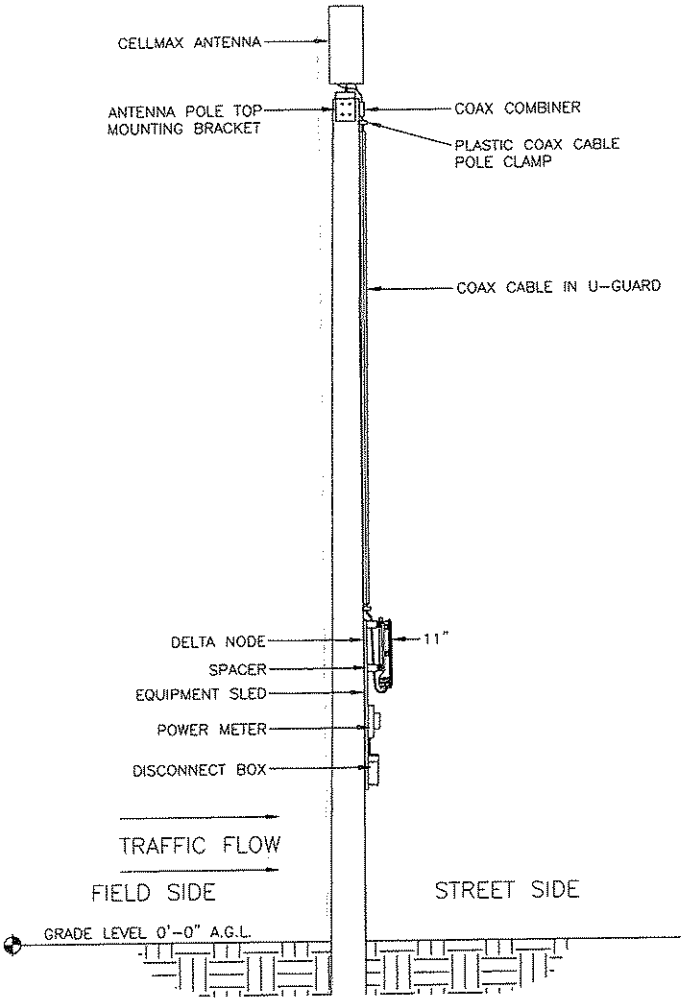
Attachments

PELHAM, NY - NODE POLE ELEVATION DETAIL





POLE ELEVATION DETAIL – FIELD SIDE VIEW



POLE ELEVATION DETAIL – SIDE VIEW

Prepared By:
Waveguide
14 Kidder Road
Chelmsford, MA 01824
978.670.0000
waveguidefiber.com

General Notes:

All power & pole top work shall be performed by the utility or an approved contractor.

Project Contacts:

Rick Angelini, Extenet Systems
508-776-2161
rangelini@extenetsystems.com

Carly Cowher, Extenet Systems
774-230-3288
ccowher@extenetsystems.com

extenet SYSTEMS
3030 Warrenville Road
Suite 340
Lisle, IL 60532
Phone: (630) 505-3800

Project name: NE-NY-YONKERSX-TMO

Revision: DRAFT
Description:

Proj. Coordinator: Rick Angelini
Approved By:

Location: Pelham, NY

Date: 04/20/2012

Scale: NTS

Sheet: SK1

BL Companies

November 16, 2012

Ms. Carly Cowher
Director, Municipal Affairs East
ExteNet Systems, Incorporated
One Research Drive
Suite 200C
Westborough, MA 01581

RE: Collocation Exemption Letter Report
Yonkers ODAS Network - Node – PLH003
156 East 2nd Street
Town of Pelham, Westchester County, New York

Dear Ms. Cowher:

At the request of ExteNet Systems, Inc. (ExteNet), BL Companies has prepared this Collocation Exemption Letter Report for the telecommunication antenna collocation at the above referenced location. This action is submitted for review pursuant to the Nationwide Programmatic Agreement for the Collocation of Wireless Antennas (NCPA) executed by the Federal Communications Commission (FCC), the National Conference of State Historic Preservation Officers (NCSHPO), and the Advisory Council on Historic Preservation (ACHP) effective March 16, 2001.

Description of the Action

The proposed telecommunication antenna is to be collocated on a utility pole within a suburban setting at 156 East 2nd Street, Pelham, New York. The attached lease exhibit depicts the profile for nodes within the Yonkers ODAS Network. The utility pole top height will be 33.5 feet high above ground level (AGL). The proposed node includes the addition of a new antenna measuring three feet in height. Thus, the new total height of the pole and proposed antennas will be approximately 36.5 feet AGL.

Evaluation Criteria

For such a project, the FCC applicant is required to consider whether the action may affect historic properties in accordance with §1.1307(a) (4) and 36 CFR Part 800 (Section 106). Historic properties are defined as districts, sites, buildings, structures or objects, significant in American history, architecture, archaeology, engineering or culture that are listed, or are eligible for listing in the National Register of Historic Places (NRHP).

The NCPA, executed by the FCC, the NCSHPO and the ACHP, further amends the Section 106 requirements of the FCC/applicant at an existing tower or non-tower structure in order for the collocation review process for wireless and broadcast antennas, and their associated equipment to be streamlined. Pursuant to Stipulation V, an antenna may be mounted on a non-tower structure without such location being reviewed under the consultation process set forth under Subpart B of 36 CFR Part 800, unless:
1. The building or non-tower structure is over 45 years old; or

2. The building or non-tower structure is inside the boundary of an historic district, the collocation is visible from the ground level of an historic district, or the building or structure is within 250 feet of the boundary of an historic district; or

3. The building or non-tower structure is a designated National Historic Landmark, or is listed in or is eligible for listing in the NRHP based upon the review of the licensee, tower company or applicant for an antenna license; or

4. The collocation licensee or the owner of the building or non-tower structure has received written or electronic notification that the FCC is in receipt of a complaint from a member of the public, a SHPO, or the ACHP that the collocation has an adverse effect on one or more historic properties. Any such complaint must be in writing and supported by substantial evidence describing how the effect from the collocation is adverse to the attributes that qualify any affected historic property for eligibility or potential eligibility for the NRHP.

BL Companies has performed a review of available records, files, maps, and other materials from several resources in order to determine the status of the collocation under the 3/16/01 NCPA. These resources include: the New York Division of Historic Preservation, which acts as the State Historic Preservation Office (SHPO) in New York; the National Register of Historic Places database; the National Historic Landmarks database; aerial photographs; and information, provided by ExteNet regarding the proposed project. After review of these resources, BL has determined that this specific location meets the criteria under Stipulation V of the NCPA, for the following reasons:

a) the utility pole structure is less than 45 years old,
b) the location of the pole used for collocation is not within the boundary of a historic district,
c) the location is not within 250 feet of the historic district,
d) the collocation will not visible from the ground level of a historic district,
e) the pole is not located on a National Historic Landmark structure or a property listed in or eligible for listing in the NRHP, and
f) no complaints have been filed.

Conclusions

It is the conclusion of BL Companies that the project, as described above, meets the criteria for collocations on buildings and non-tower structures as stipulated in the 2001 NCPA and the NPA effective March 7, 2005.

Sincerely,

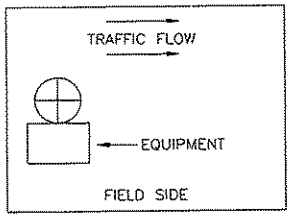
BL Companies

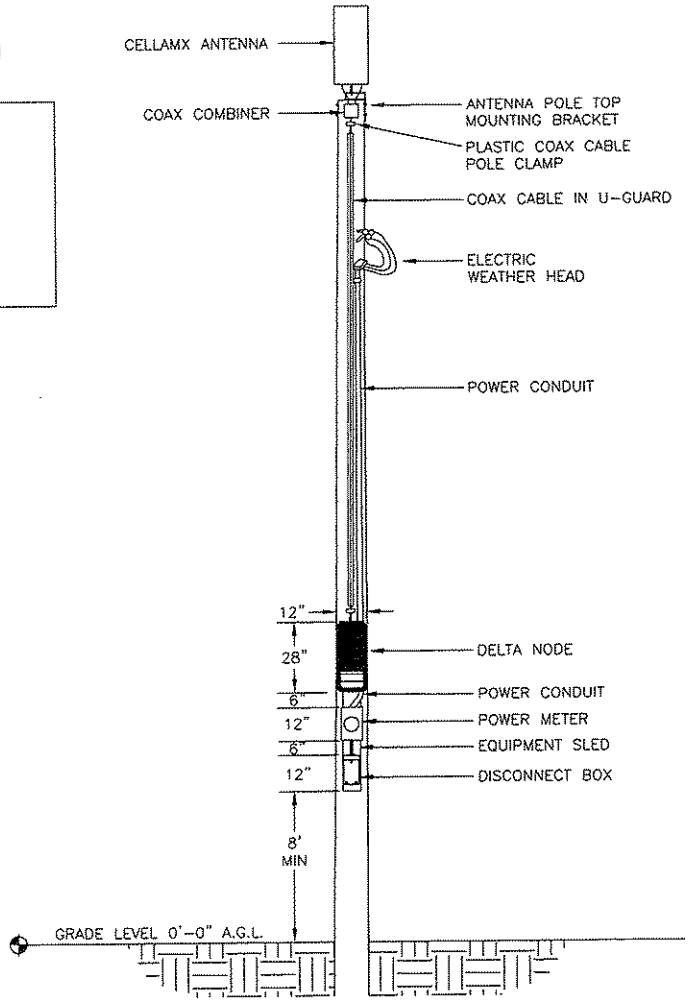
Gretchen E. Yarnall
Senior Project Manager

Attachments

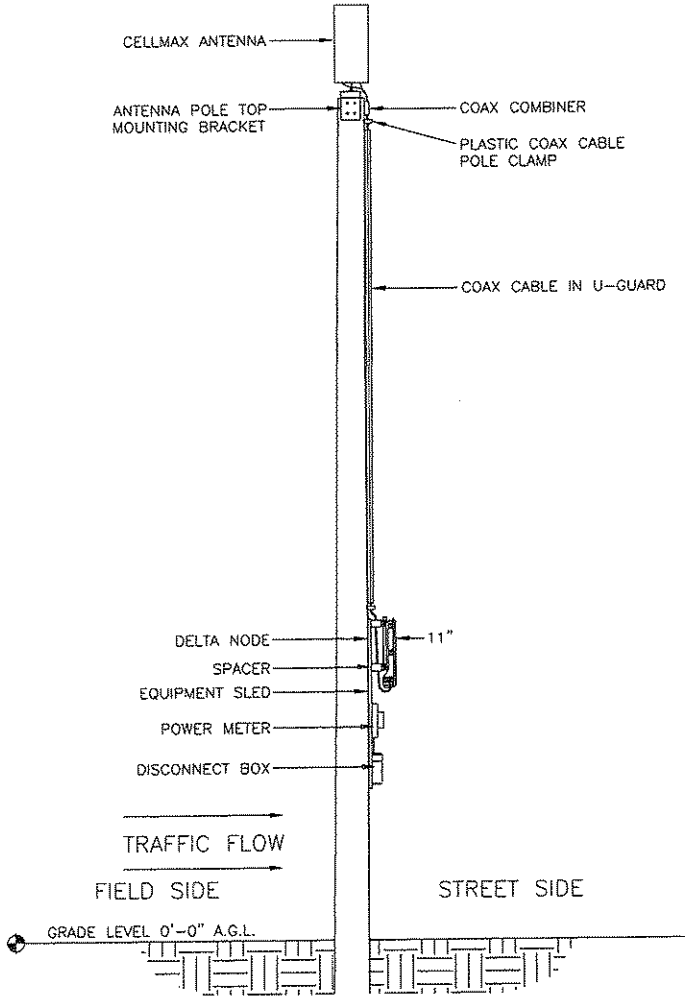
PELHAM, NY - NODE POLE ELEVATION DETAIL

POLE ELEVATION
OVERHEAD VIEW





POLE ELEVATION DETAIL – FIELD SIDE VIEW



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ccowher@extenetsystems.com

extenet SYSTEMS
3030 Warrenville Road
Suite 340
Lisle, IL 60532
Phone: (630) 505-3800

Project name:	NE-NY-YONKERSX-TMO
Location:	Pelham, NY
Revision:	DRAFT
Description:	
Proj. Coordinator:	Rick Angelini
Approved By:	
Date:	04/20/2012
Scale:	NTS
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BL Companies

FCC NEPA IMPACT ASSESSMENT REPORT

ExteNet Systems, Inc.
Yonkers-Pelham DAS Network
Cities of Yonkers and Pelham
Westchester County, New York

Prepared For:

Ms. Carly Cowher
ExteNet Systems, Inc.

BL Project No. 08L1720-B

November 15, 2012

Submitted By:

Jeffrey R. Shamas
Northeast Regional Manager, Environmental Resources

BL Companies
Meriden, Connecticut

PROJECT DESCRIPTION

The proposed undertaking is located in the Cities of Yonkers and Pelham, Westchester County, New York. ExteNet Systems, Incorporated is proposing to collocate 20 antennas on utility poles at an average tip height of 40 feet.

The undertaking is limited to the collocation of an antenna, equipment cabinets and associated wiring on each of the utility poles. The action involves an increase to the overall structure height of each pole equal to the height of each new antenna, which is approximately three feet, bringing the new total height of each structure to approximately 41 feet.

This network is located in an urban setting surrounded by transportation corridors, and in an area of commercial and residential land use. Existing sidewalks and street corridors currently provide access to the utility pole and will provide access to the undertaking.

FCC NEPA CHECKLIST

(47 CFR Subpart 1, Chapter 1, Section 1.1307)

Site Number: Various

Site Address: Cities of Yonkers and Pelham, Westchester County, New York

Category	Special Interest Item	Potential Effect	
		Yes	No
1	Is the antenna structure located in an officially designated wilderness area?		X
2	Is the antenna structure located in an officially designated wildlife preserve?		X
3	Will the antenna structure likely affect threatened or endangered species or designated critical habitats? (*Ref. 50 CFR Part 402*)		X
4	Will the antenna structure affect districts, sites, buildings, structures, or objects significant in American history, architecture, archeology, engineering, or culture that are listed, or potentially eligible for listing in the National Register of Historic Places (NRHP)? (*Ref. 36CFR Part 800 regulations implementing Section 106 of the National Historic Preservation Act)*		X
5	Will the antenna structure affect Indian religious site(s)?		X
6	Will the antenna structure be located in a flood plain? (*Ref. Executive Order 11988 and 40 CFR Part 6, Appendix A)*		X
7	Will construction of the antenna structure involve significant change in surface features (e.g. wetlands, deforestation, or water diversion)? (*Ref. Executive Order 11990 and 40 CFR Part 6, Appendix A*)		X
8	Is the antenna structure located in a residential neighborhood and required to be equipped with high intensity white lights?		X

If any of the above responses is "yes", an Environmental Assessment must be prepared and filed with FCC Form 854. Construction can not start until the FCC issues a "Finding of No Significant Impact" (FONSI)

Preparer's Signature:_____ Date: November 15, 2012

Printed Name and Title: Jeffrey R. Shamas, Northeast Regional Manager, Environmental Resources

Company Name: BL Companies

FCC NEPA Summary Report

(47 CFR Subpart 1, Chapter 1, Section 1.1307)

Site Number: See Spreadsheet

Site Address: Various

City: Yonkers and Pelham **State:** New York

1. **Is the antenna structure located in an officially designated wilderness area?**
According to the National Park Service[1], the National Wild and Scenic Rivers System[2], the United States Forest Service[3], the US Department of the Interior Bureau of Land Management[4], and the State of New York Department of Environmental Conservation (NYDEC)[5], no officially designated forests, parks, grasslands, wild and scenic rivers, scenic trails, or other wilderness areas are located at or in the immediate vicinity of the action area.

2. **Is the antenna structure located in an officially designated wildlife preserve?**
According to the US Fish and Wildlife Service (USFWS)[1] and the MADFW[2], no officially designated wildlife preserves are located at or in the immediate vicinity of the action area.

3. **Will the antenna structure likely affect threatened or endangered species or designated critical habitats? *(Ref. 50 CFR Part 402)***
To ensure that the activities proposed at the action area do not adversely affect threatened and endangered species, consideration of compliance obligation was undertaken with NYDEC. It is presumed that all activity associated with the proposed undertaking is exempt from formal environmental review by the State of New York, and no further consultation is required.

4. **Will the antenna structure affect districts, sites, buildings, structures, or objects significant in American history, architecture, archeology, engineering, or culture that are listed, or potentially eligible for listing in the National Register of Historic Places (NRHP)? *(Ref. 36 CFR Part 800 regulations implementing Section 106 of the National Historic Preservation Act)***
On October 11, 2012, BL Companies submitted a Section 106 report detailing findings related to the proposed undertaking's potential effects upon historic properties to the New York State Historic Preservation Office (NYSHPO). In correspondence dated October 31, 2012, the NYSHPO concurred with a finding of No Adverse Effect upon historic properties.

   All MHC and Consulting Party correspondence is attached in this report, as well as Proof of Publication for the Public Notice.

5. **Will the antenna structure affect Indian religious site(s)?**
Tribal consultation was initiated for the Distributed Antenna System (DAS) network through the FCC's electronic TCNS[1] on May 22, 2012, and was assigned TCNS Notification ID Number **85846**.

   Nine tribes who set their geographic preferences on TCNS were included in the Notice to Organizations (NOO) email dated May 25, 2012.

   Keweenaw Bay Indian Community
   Delaware Nation
   Cayuga Nation
   Narragansett Indian Tribe
   Tuscarora Nation
   Stockbridge-Munsee Band of Mohican Indians
   Wyandotte Nation
   Shawnee Tribe
   Delaware Tribe of Indians of Oklahoma

Tribes who responded in the NOO requesting to consult were notified in writing or via email (depending upon their preferences) and were invited to enter into consultation.

As of November 13, 2012, tribal consultation is deemed complete.

All Tribal Correspondence is attached in this report.

6. **Will the antenna structure be located in a floodplain? (*Ref. Executive Order 11988 and 40 CFR Part 6, Appendix A)***

The antennas are to be collocated at a tip height of 40 feet on utility poles. The proposed antennas and host structure are situated in already developed urban centers, including a residential neighborhood, commercial areas, and traffic corridors. On-site assessment confirmed that the antenna location is situated in an upland setting and is not located in or proximate to any riparian corridors, lakes, rivers, or streams with floodplain features.

Furthermore, according to the Federal Emergency Management Agency[1], none of the proposed nodes are not located within the 100-year floodplain.

7. **Will construction of the antenna structure involve significant change in surface features (e.g. wetlands, deforestation, or water diversion)? (*Ref. Executive Order 11990 and 40 CFR Part 6, Appendix A)***

According to the USFWS's NWI Mapping[1], no inventoried wetlands are shown within the project area. State-level wetland mapping was not available for Westchester County. On-site visual assessment of the site also confirmed that hydric soils, hydrophytic vegetation, and hydrologic characteristics conducive to the formation of wetlands were not present.

Furthermore, the project area is located within urban and suburban settings surrounded by streets, sidewalks, and other impervious surfaces.

8. **Is the antenna structure located in a residential neighborhood and required to be equipped with high intensity white lights?**

High intensity white lights are required by FAA for aviation avoidance marking on towers over 499 feet above ground surface. Towers less than 499 feet are not equipped with high intensity white lights.

Online Resources

1. [1]http://www.nps.gov/gis/data_info/park_gisdata/il.htm
   [2]http://www.rivers.gov/
   [3]http://www.fs.fed.us/
   [4]http://www.blm.gov/nhp/facts/index.htm
   [5] http://www.dec.ny.gov/65.html

2. [1]http://www.fws.gov/refuges/
   [2] http://www.dec.ny.gov/65.html

3. None

4. None

5. [1]http://wireless.fcc.gov/outreach/index.htm?job=tower_notification

6. [1]http://msc.fema.gov/webapp/wcs/stores/servlet/FemaWelcomeView?storeId=10001&catalogId=10001&langId=-1

7. [1]http://www.fws.gov/wetlands/Data/Mapper.html

8. None

AFFIDAVIT OF PUBLICATION

FROM

The Journal News

CECILIA HERNANDEZ being duly sworn says that he/she is the principal clerk of The Journal News, a newspaper published in the County of Westchester and State of New York, and the notice of which the annexed is a printed copy, was published in the newspaper area(s) on the date(s) below:

Note: the code to the left of the run dates indicates the zone(s) that the ad was published. (See legend below)

ZONE	DATE
AS	07/28/2012

Signed Cecilia Hernandez

Sworn to before me

This 1st day of August 2012

Notary Public, Westchester County

FLORENCE BONILLA
Notary Public, State of New York
No. 01BO6196023
Qualified in Bronx County
Commission Expires November 3, 2012

Legend:

Northern Area (AN):
Amawalk, Armonk, Baldwin Place, Bedford, Bedford Hills, Briarcliff Manor, Buchanan, Chappaqua, Crompond, Cross River, Croton Falls, Croton on Hudson, Goldens Bridge, Granite Springs, Jefferson Valley, Katonah, Lincolndale, Millwood, Mohegan Lake, Montrose, Mount Kisco, North Salem, Ossining, Peekskill, Pound Ridge, Purdys, Shenorock, Shrub Oak, Somers, South Salem, Verplanck, Waccabuc, Yorktown Heights, Brewster, Carmel, Cold Spring, Garrison, Lake Peekskill, Mahopac, Mahopac Falls, Putnam Valley, Patterson

Central Area (AC):
Ardsley, Ardsley on Hudson, Dobbs Ferry, Elmsford, Greenburg, Harrison, Hartsdale, Hastings, Hastings on Hudson, Hawthorne, Irvington, Larchmont, Mamaroneck, Pleasantville, Port Chester, Purchase, Rye, Scarsdale, Tarrytown, Thornwood, Valhalla, White Plains

Southern Area (AS):
Bronxville, Eastchester, Mount Vernon, New Rochelle, Pelham, Tuckahoe, Yonkers

Greater Westchester (GW or LGW):
Includes Northern area, Southern area and Central area. (See details below each area)

Westchester Rockland (WR):
Includes Greater Westchester area and Rockland area.

Rockland Area (JN or RK):
Blauvelt, Congers, Garnerville, Haverstraw, Hillburn, Monsey, Nanuet, New City, Nyack, Orangeburg, Pallsades, Pearl River, Piermont, Pomona, Sloatsburg, Sparkill, Spring Valley, Stony Point, Suffern, Tallman, Tappan, Thiells, Tomkins Cove, Valley Cottage, West Haverstraw, West Nyack

Review Press Express (XBV):
Bronxville, Eastchester, Scarsdale, Tuckahoe

Sound Shore Express (XSS)
Purchase, Port Chester, Rye, Harrison,Mamaroneck, Larchmont, New Rochelle, Pelham

White Plains Express (XWP)
Elmsford, Hartsdale, Hawthorne, Valhalla, White Plains

Yorktown and Cortlandt Express (XYC)
Amawalk, Buchanan, Cortlandt Manor, Croton-on-Hudson, Granite Springs, Jefferson Valley, Mohegan Lake, Montrose, Ossining, Peekskill, Shrub Oak, Yorktown Heights

Northern Westchester Express (XNW)
Armonk, Bedford, Bedford Hills, Briarcliff Manor, Chappaqua, Cross River, Goldens Bridge, Katonah, Millwood, Mount Kisco, North Salem, Pleasantville, Pound Ridge, Purdy's, Somers, South Salem, Thornwood, Waccabuc

Rockland Express (XRK)
Blauvelt, Congers, Garnerville, Haverstraw, Hillburn, Monsey, Nanuet, New City, Nyack, Orangeburg, Pallsades, Pearl River, Piermont, Pomona, Sparkill, Spring Valley, Tappan, Thiells, Tomkins Cove, Sloatsburg, Suffern, Stony Point, Valley Cottage, West Haverstraw, West Nyack

Express Putnam (LHPN)
Baldwin Place, Brewster, Carmel, Cold Spring, Garrison, Lake Peekskill, Mahopac, Putnam Valley, Patterson

Express Rivertowns (LHRT)
Ardsley, Dobbs Ferry, Hastings, Irvington, Tarrytown

Express Yonkers/Mount Vernon (LHYM)
Mount Vernon, Yonkers

AD# 3388527

Ad Number	Size	Start Date	End Date
3388527	45	7/28/2012	07/28/2012

Run dates: 07/28

Ad Text:

SECTION 106
PUBLIC NOTICE

ExteNet Systems, Incorporated (ExteNet) is proposing to install three antennas at a tip height of 38 feet on existing utility poles, as part of a distributed antenna system (DAS) network. The utility poles are all located in the City of Yonkers, Westchester County, New York. ExteNet seeks comments from all interested persons on the effects of the antenna collocations on any districts, sites, buildings, structures, or objects significant in American history, architecture, archaeology, engineering, or culture, that are listed or eligible for listing in the National Register of Historic Places. Specific information about the project, including the historic preservation reviews that ExteNet has conducted pursuant to the rules of the Federal Communications Commission (47 CFR § 1.1307(4)) and the Advisory Council on Historic Preservation (36 CFR § 800) will be made available to interested persons who request the information from the contact below. All questions, comments, and correspondence should be directed to Ms. Carly Cowher at ExteNet Systems, Incorporated, One Research Drive, Suite 200C, Westborough, MA 01581, or ccowher@extenetsystems.com by August 27, 2012.

Andrew M. Cuomo
Governor

Rose Harvey
Commissioner

New York State Office of Parks, Recreation and Historic Preservation

Historic Preservation Field Services Bureau • Peebles Island, PO Box 189, Waterford, New York 12188-0189
518-237-8643
www.nysparks.com

October 31, 2012

Ms. Gretchen Yarnall
BL Companies
4242 Carlisle Pike, Suite 260
Camp Hill, Pennsylvania 17011

Re: FCC
Yonkers Outdoor Distributed Antenna System (ODAS)
230 Van Cortlandt Park Ave, Midland Ave, Kimball A/YONKERS, Westchester County
12PR04506

Dear Ms. Yarnall:

Thank you for requesting the comments of the State Historic Preservation Office (SHPO). We have reviewed the project in accordance with Section 106 of the National Historic Preservation Act of 1966. These comments are those of the SHPO and relate only to Historic/Cultural resources. They do not include potential environmental impacts to New York State Parkland that may be involved in or near your project. Such impacts must be considered as part of the environmental review of the project pursuant to the National Environmental Policy Act and/or the State Environmental Quality Review Act (New York Environmental Conservation Law Article 8).

Based upon this review, it is the SHPO's opinion that your project will have No Effect upon cultural resources in or eligible for inclusion in the National Registers of Historic Places.

If further correspondence is required regarding this project, please be sure to refer to the OPRHP Project Review (PR) number noted above.

Sincerely,

Ruth L. Pierpont

Ruth L. Pierpont
Deputy Commissioner for Historic Preservation

Campetti, Leigh

From: towernotifyinfo@fcc.gov
Sent: Friday, May 25, 2012 3:01 AM
To: Richie, Stephanie
Cc: kim.pristello@fcc.gov; diane.dupert@fcc.gov
Subject: NOTICE OF ORGANIZATION(S) WHICH WERE SENT PROPOSED TOWER CONSTRUCTION NOTIFICATION INFORMATION - Email ID #3031665

Dear Sir or Madam:

Thank you for using the Federal Communications Commission's (FCC) Tower Construction Notification System (TCNS). The purpose of this electronic mail message is to inform you that the following authorized persons were sent the information you provided through TCNS, which relates to your proposed antenna structure. The information was forwarded by the FCC to authorized TCNS users by electronic mail and/or regular mail (letter).

Persons who have received the information that you provided include leaders or their designees of federally-recognized American Indian Tribes, including Alaska Native Villages (collectively "Tribes"), Native Hawaiian Organizations (NHOs), and State Historic Preservation Officers (SHPOs). For your convenience in identifying the referenced Tribes and in making further contacts, the City and State of the Seat of Government for each Tribe and NHO, as well as the designated contact person, is included in the listing below. We note that Tribes may have Section 106 cultural interests in ancestral homelands or other locations that are far removed from their current Seat of Government. Pursuant to the Commission's rules as set forth in the Nationwide Programmatic Agreement for Review of Effects on Historic Properties for Certain Undertakings Approved by the Federal Communications Commission (NPA), all Tribes and NHOs listed below must be afforded a reasonable opportunity to respond to this notification, consistent with the procedures set forth below, unless the proposed construction falls within an exclusion designated by the Tribe or NHO. (NPA, Section IV.F.4).

The information you provided was forwarded to the following Tribes and NHOs who have set their geographic preferences on TCNS. If the information you provided relates to a proposed antenna structure in the State of Alaska, the following list also includes Tribes located in the State of Alaska that have not specified their geographic preferences. For these Tribes and NHOs, if the Tribe or NHO does not respond within a reasonable time, you should make a reasonable effort at follow-up contact, unless the Tribe or NHO has agreed to different procedures (NPA, Section IV.F.5). In the event such a Tribe or NHO does not respond to a follow-up inquiry, or if a substantive or procedural disagreement arises between you and a Tribe or NHO, you must seek guidance from the Commission (NPA, Section IV.G). These procedures are further set forth in the FCC's Declaratory Ruling released on October 6, 2005 (FCC 05-176).

1. Cultural Preservation Director Tamara Francis - Delaware Nation - Anadarko, OK - regular mail
Details: The Delaware Nation located in Anadarko, Oklahoma charges a $400 administrative fee for the review of ALL projects.
(Change Effective 6/30/2010).

Send fee payable to the Delaware Nation in the form of a check or money order.
All projects for review by the Delaware Nation must pay the $400 fee.
Please note that the Delaware Nation and the Delaware Tribe of Indians ARE NOT the same enitity.
Send all correspondence for the Delaware Nation to The Delaware Nation
ATTN: Cultural Preservation Department
31064 State Hwy 281
Anadarko, OK 73005.

2. Cayuga Nation Representative Clint C Halftown - Cayuga Nation - Seneca Falls, NY - regular mail
Details: If the Applicant receives no response from the Cayuga Nation within 30 days after notification through TCNS, the Cayuga Nation has no interest in participating in pre-construction review for the site. The Applicant, however, must notify the Cayuga Nation in the event archaeological properties or human remains are discovered during construction, consistent with Section IX of the Nationwide Programmatic Agreement and applicable law.

3. Program Manager-Cell Tower Division Sequahna Mars - Narragansett Indian Tribe - Wyoming, RI - electronic mail and regular mail

4. Chief Leo R Henry - Tuscarora Nation - Via: Lewiston, NY - regular mail
Details: If the Applicant/tower builder receives no response from the Tuscarora Nation within 30 days after notification through TCNS, the Tuscarora Nation has no interest in participating in pre-construction review for the site. The Applicant/tower builder, however, must IMMEDIATLY notify the Tuscarora Nation in the event archaeological properties or human remains are discovered during construction.

5. THPO/NAGPRA Technician Juliet K Goyen - Keweenaw Bay Indian Community - Baraga, MI - electronic mail
Details: The KBIC THPO reviews all projects within historic homelands for the presence of cultural resources with significance to the Anishinaabe. Your request will go through a preliminary review by our THPO/NAGPRA Technician, the review consists of relevant studies submitted by the applicant regarding cultural resources documentation, in house literature search, database search and GIS search for further information. If any cultural resources are identified during this process, the file will be turned over to the Tribal Historic Preservation Officer in order to make a determination of effects.
Information required in order to complete this process are as follows:
Project Name
Project Location
Physical Address
Latitude and Longitude
State, County,Township, Range, Section quarters Brief Project Description Existing studies for archaeological sites, and cultural resources.

As of February 15, 2012, the KBIC THPO will be charging a fee of $250.00 per review unless the review covers more than one sectionof land in which case the fee is $250.00 per section. Fees in this process cover the research and other activities required to provide you with a timely response so your project can stay on track. Please submit payment of $250.00 for each project application submitted, checks should be made payable to KBIC THPO, 16429 Beartown Road, Baraga, Michigan 49908. Any questions can be directed to Christopher J. Chosa, Tribal Historic Preservation Officer or Juliet K. Goyen, THPO/NAGPRA Technician via email: cchosa@kbic-nsn.gov, jgoyen@kbic-nsn.gov or thpo@kbic-nsn.gov or by phone: 906-353-6272 or 906-353-6278.

6. THPO Sherry White - Stockbridge-Munsee Band of Mohican Indians - Bowler, WI - regular mail
Details: If a project is not ground-disturbing, we do not need to comment on the proposed project. If, however, there will be ground disturbance, this Tribe requires a $300 fee.

This Tribe will make every effort to respond to all of your TCNS notifications.

7. THPO Sherri Clemons - Wyandotte Nation - Wyandotte, OK - electronic mail and regular mail
Details: Greetings We are interested in consulting on this and all towers in our geographic areas of interest.

The Wyandotte Nation has adopted new procedures for Section 106 consultation on cell tower construction projects. These procedures are effective as of 4-20-2010 and were UPDATED ON 12-1-2010. Procedures and updates are available by e-mailing algonquin@neok.com.

With any questions, please e-mail our Cell Tower Program archaeologist at algonquin@neok.com, or call 918-541-0782 (alternate phone 918-533-2212).

Thank you.

8. THPO Kim Jumper - Shawnee Tribe - Miami, OK - regular mail
Details: THIS IS YOUR OFFICIAL NOTICE THAT THE SHAWNEE TRIBE IS INTERESTED IN CONSULTING ON ALL PROJECTS BUILT IN OUR AREAS OF GEOGRAPHIC INTEREST.

ATTENTION, NEW INFORMATION: Our procedures were updated on 14 January 2008. Please call Kim Jumper, THPO, at 918-542-2441, so that she can send you a copy.

If your tower is a co-location, please fax us this information to let us know. We cannot always tell from the TCNS web site that a tower is a co-location. We require a written response from you to let us know that it is a co-location. If a co-location project includes some new ground disturbance (such as from an expanded compound or access road, or construction of an ancillary structure), the Shawnee Tribe treats such a project the same as

any other non co-location project.

Our correct mailing/physical address is: 29 South Highway 69A. Our correct phone number is (918-542-2441) and our historic preservation fax line is (918-542-9915). THPO Kim Jumper manages all cell tower consultation.

As of 26 June2006, all of the faxed responses of our final comments on a tower site will contain an original Shawnee Tribe signature. Each final comment fax is signed individually. Copies may be compared, for authentication, against the original in our files.If afinal comment fax does not contain a signature, it is not valid. ALL FINAL COMMENTS FROM THE SHAWNEE TRIBE ARE WRITTEN; FINAL COMMENTS ARE NEVER PROVIDED VERBALLY. IF THE SHAWNEE TRIBE IS CREDITED WITH HAVING GIVEN A VERBAL RESPONSE, THAT RESPONSE IS NOT VALID.

If you receive notification through the TCNS listing the Shawnee Tribe, that is an indication that the Shawnee Tribe is interested in consulting on the tower for which that notification was received. Please consider that our official indication of interest to you. The Shawnee Tribe considers the Tower Construction Notification System's weekly e-mail to be the first notification that we receive that a tower will be constructed in an area of our concern. We do not view the TCNS notificationas completion of 106 consultation obligations.

The Shawnee Tribe has developed streamlined consultation procedures for cell tower developers and their subcontractors. If you do not have a copy of the procedures - most recently updated on 14 January2008 - please contact us, as you must follow these procedures to consult with us on cell tower projects. Call us at 918-542-2441 or fax us at 918-542-9915. It is the tower builder's responsibility to make sure that you have our most recent consultation procedures.

PLEASE DO NOT SEND US INFORMATION, QUERIES, OR COMMENTS ELECTRONICALLY. SINCE 1 DECEMBER 2005, WE HAVE NOT HANDLED ANY CELL TOWER CONSULTATION, INQUIRIES, OR CORRESPONDENCE VIA E-MAIL.

9. Dr. Brice Obermeyer - Delaware Tribe of Indians of Oklahoma - Emporia, KS - electronic mail
Details: The Delaware Tribe of Indians of Oklahoma has had their federal recognition reinstated, and has been added to the listing of federally recognized Tribes maintained by the Bureau of Indian Affairs. Please refer to the Federal Register Notice dated August11, 2009, to view the notice stating that federal relations have been reestablished with this Tribe. See 74 FR 40218 (Aug. 11, 2009).

In order to receive a formal response, please provide a consultation fee of $200 payable to: Delaware Tribe of Indians. The fee should be included with the mailed notification packet. Notification should include a cover letter describing the project and a topographic map depicting the project's location.

The Delaware Tribe is not interested in receiving notifications for projects that do not include ground disturbance.

Thank you.

Sincerely,
Dr. Brice Obermeyer
Delaware Tribe Historic Preservation Office 1420 C of E Drive, Suite 190 Emporia, Kansas 66801
620-340-0111
bobermeyer@delawaretribe.org

The information you provided was also forwarded to the additional Tribes and NHOs listed below. These Tribes and NHOs have NOT set their geographic preferences on TCNS, and therefore they are currently receiving tower notifications for the entire United States. For these Tribes and NHOs, you are required to use reasonable and good faith efforts to determine if the Tribe or NHO may attach religious and cultural significance to historic properties that may be affected by its proposed undertaking. Such efforts may include, but are not limited to, seeking information from the relevant SHPO or THPO, Indian Tribes, state agencies, the U.S. Bureau of Indian Affairs, or, where applicable, any federal agency with land holdings within the state (NPA, Section IV.B). If after such reasonable and good faith efforts, you determine that a Tribe or NHO may attach religious and cultural significance to historic properties in the area and the Tribe or NHO does not respond to TCNS notification within a reasonable time, you should make a reasonable effort to follow up, and must seek guidance from the Commission in the event of continued non-response or in the event of a procedural or substantive disagreement. If you determine that the Tribe or NHO is unlikely to attach religious and cultural significance to historic properties within the area, you do not need to take further action unless the Tribe or NHO indicates an interest in the proposed construction or other evidence of potential interest comes to your attention.

None

The information you provided was also forwarded to the following SHPOs in the State in which you propose to construct and neighboring States. The information was provided to these SHPOs as a courtesy for their information and planning. You need make no effort at this time to follow up with any SHPO that does not respond to this notification. Prior to construction, you must provide the SHPO of the State in which you propose to construct (or the Tribal Historic Preservation Officer, if the project will be located on certain Tribal lands), with a Submission Packet pursuant to Section VII.A of the NPA.

10. SHPO John W Shannahan - Connecticut Historical Commission - Hartford, CT - electronic mail

11. SHPO Cara Metz - Massachusetts Historical Commission - Boston, MA - electronic mail

12. SHPO Ann Safley - Pennsylvania Historical & Museum Commission Bureau for Historic Preservation - Harrisburg, PA - electronic mail

13. Director Eric Gilbertson - Vermont Division for Historic Preservation - Montpelier, VT - electronic mail

14. Karl Roecker - Palisades Interstate Park Commission - Bear Mountain, NY - electronic mail

If you are proposing to construct a facility in the State of Alaska, you should contact Commission staff for guidance regarding your obligations in the event that Tribes do not respond to this notification within a reasonable time.

Please be advised that the FCC cannot guarantee that the contact(s) listed above opened and reviewed an electronic or regular mail notification. The following information relating to the proposed tower was forwarded to the person(s) listed above:

Notification Received: 05/22/2012
Notification ID: 85846
Tower Owner Individual or Entity Name: ExteNet Systems, Incorporated
Consultant Name: Stephanie Richie
Street Address: 4242 Carlisle Pike
Suite 260
City: Camp Hill
State: PENNSYLVANIA
Zip Code: 17011
Phone: 717-651-9850
Email: srichie@blcompanies.com

Structure Type: UTOWER - Unguyed - Free Standing Tower
Latitude: 40 deg 55 min 26.4 sec N
Longitude: 73 deg 52 min 32.5 sec W
Location Description: 358 Midland Avenue
City: Yonkers
State: NEW YORK
County: WESTCHESTER
Ground Elevation: 46.9 meters
Support Structure: 11.6 meters above ground level
Overall Structure: 12.5 meters above ground level
Overall Height AMSL: 59.4 meters above mean sea level

If you have any questions or comments regarding this notice, please contact the FCC using the electronic mail form located on the FCC's website at:

http://wireless.fcc.gov/outreach/notification/contact-fcc.html.

You may also call the FCC Support Center at (877) 480-3201 (TTY 717-338-2824). Hours

are from 8 a.m. to 7:00 p.m. Eastern Time, Monday through Friday (except Federal holidays). To provide quality service and ensure security, all telephone calls are recorded.

Thank you,
Federal Communications Commission

BL Companies

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

July 25, 2012

Ms. Juliet K. Goyen
THPO/NAGPRA Technician
Keweenaw Bay Indian Community
16429 Beartown Road
Baraga, Michigan 49908

RE: Invitation to Comment Under Section 106: Proposed Antenna Collocation
Yonkers NY Distributed Antenna System (DAS) Network
City of Yonkers, Westchester County, New York
BL Project No. 08L1720-B
TCNS# 85846

Dear Ms. Goyen:

At the request of ExteNet Systems, Incorporated, BL Companies (BL) is preparing a Federal Communications Commission (FCC) National Historic Preservation Act (NHPA) Section 106 study for 20 antenna collocations as part of the Yonkers NY Distributed Antenna System (DAS) network referenced above. This new action is submitted for review pursuant to the Nationwide Programmatic Agreement for the Collocation of Wireless Antennas (NCPA) executed by the FCC, the National Conference of State Historic Preservation Officers and the Advisory Council on Historic Preservation, effective March 7, 2005. Per Stipulation V of the NCPA, seventeen of the proposed nodes have been determined to be exempt from Section 106 review. The three remaining nodes are being evaluated for their potential effects upon historic properties, and are the subject of this review. BL is respectfully requesting your comments on any potential effects to historic properties and/or properties of religious and cultural significance.

The proposed telecommunication collocation nodes are to be located at an average height of 38 feet on utility poles in suburban areas within the City of Yonkers. The antennas, which are approximately 36 inches in height, will bring the total height of each pole to about 41 feet. The undertaking involves mounting antennas upon three existing poles, and ***will involve no ground disturbance.***

Attached is a USGS map depicting the location of the proposed antennas that are subject to Section 106 review, a spreadsheet with individual node location information, and a construction drawing depicting the utility pole profile.

Please find enclosed the requested fee of $250.00 to facilitate your review process. If you have any comments, questions, or concerns regarding effects of the proposed collocations on culturally significant properties, we would appreciate receiving them within 30 days. If you need any further assistance or information, please do not hesitate to contact me. I can be reached directly by phone on (717) 943-1666, or by email at lcampetti@blcompanies.com.

Respectfully,
BL Companies

Leigh Casey Campetti
Project Archaeologist

Keweenaw Bay Indian Community
Tribal Historic Preservation Office
and Language Program

16429 Beartown Road
Baraga, Michigan 49908-9210
thpo@kbic-nsn.gov, cchosa@kbic-nsn.gov, jgoyen@kbic-nsn.gov, gloonsfoot@kbic-nsn.gov
Phone: 906-353-6272, Phone: 906-353-6278, Phone: 906-353-4178, Fax: 906-353-7540

August 13, 2012
RE: TCNS Notification ID#: 85846.

Aniin;
The KBIC Tribal Historic Preservation Office has identified no properties of interest regarding religious or cultural sites documented at this time in your proposed location. If the scope of work changes in any way, or if artifacts or human remains are discovered, please notify the KBIC THPO immediately.

Please forward any future consultation requests for review of project proposals pursuant to Section 106 of the National Historic Preservation Act to KBIC THPO, Keweenaw Bay Indian Community Tribal Historic Preservation Office or through email at cchosa@kbic-nsn.gov or jgoyen@kbic-nsn.gov and keep us informed of future projects as we continue our efforts to identify and document historic, archaeological and traditional cultural sites in the area so we can assist in making an appropriate determination.

Miigwech (Thank You)
Chris Chosa, THPO/NAGPRA Officer
Juliet K. Goyen, THPO/NAGPRA Technician

Miigwech!
Christopher J. Chosa, Juliet K. Goyen & Gary F. Loonsfoot Jr.

BL Companies

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

July 25, 2012

Ms. Tamara Francis
Cultural Preservation Director
Delaware Nation
31064 State Highway 281
Anadarko, OK 73005

RE: Invitation to Comment Under Section 106: Proposed Antenna Collocation
Yonkers NY Distributed Antenna System (DAS) Network
City of Yonkers, Westchester County, New York
BL Project No. 08L1720-B
TCNS# 85846

Dear Ms. Francis:

At the request of ExteNet Systems, Incorporated, BL Companies (BL) is preparing a Federal Communications Commission (FCC) National Historic Preservation Act (NHPA) Section 106 study for 20 antenna collocations as part of the Yonkers NY Distributed Antenna System (DAS) network referenced above. This new action is submitted for review pursuant to the Nationwide Programmatic Agreement for the Collocation of Wireless Antennas (NCPA) executed by the FCC, the National Conference of State Historic Preservation Officers and the Advisory Council on Historic Preservation, effective March 7, 2005. Per Stipulation V of the NCPA, seventeen of the proposed nodes have been determined to be exempt from Section 106 review. The three remaining nodes are being evaluated for their potential effects upon historic properties, and are the subject of this review. BL is respectfully requesting your comments on any potential effects to historic properties and/or properties of religious and cultural significance.

The proposed telecommunication collocation nodes are to be located at an average height of 38 feet on utility poles in suburban areas within the City of Yonkers. The antennas, which are approximately 36 inches in height, will bring the total height of each pole to about 41 feet. The undertaking involves mounting antennas upon three existing poles, and ***will involve no ground disturbance***.

Attached is a USGS map depicting the location of the proposed antennas that are subject to Section 106 review, a spreadsheet with individual node location information, and a construction drawing depicting the utility pole profile.

Please find enclosed the requested fee of $400.00 to facilitate your review process. If you have any comments, questions, or concerns regarding effects of the proposed collocations on culturally significant properties, we would appreciate receiving them within 30 days. If you need any further assistance or information, please do not hesitate to contact me. I can be reached directly by phone on (717) 943-1666, or by email at lcampetti@blcompanies.com.

Respectfully,
BL Companies

Leigh Casey Campetti
Project Archaeologist

The Delaware Nation
Cultural Preservation Office
31064 State Highway 281~ P.O. Box 825~ Anadarko, OK 73005
Phone: 405/247-2448~ Fax: 405/247-8905

Library ext. 1196
Museum ext. 1180
NAGPRA ext. 1182
Section 106 ext. 1180

Date: 8-27-12

Company: BL Companies

TCNS#/County/State: 85846, Westchester Co., N.Y.

To Whom It May Concern:

The Delaware Nation received a letter regarding the above referenced project(s). The Delaware Nation is committed to protecting sites important to tribal heritage, culture and religion. Furthermore, the tribe is particularly concerned with archaeological sites that may contain human burials, remains, and associated funerary objects.

As described in your correspondence and upon research of our database(s) and files, we find the Lenape people occupied these areas either historically or prehistorically. However, location of the project does not endanger known sites of interest to the Delaware Nation. Please continue with the project as planned. However, should this project inadvertently uncover an archaeological site or object(s) we request that you immediately contact the appropriate state agencies, as well as the Delaware Nation (within 24 hours). Also, we ask that you halt all construction and ground disturbing activities until the tribe and these state agencies are consulted.

Please note the Delaware Nation, the Delaware Tribe of Indians, and the Stockbridge Munsee Band of Mohican Indians are the only Federally Recognized Delaware/Lenape entities in the United States and consultation must be made only with designated staff of these three tribes. We appreciate your cooperation in contacting the Delaware Nation. Should you have questions, feel free to contact our offices at 405/247-8903 or by email: tfrancis@delawarenation.com.

Sincerely,

Tamara Francis
Cultural Preservation Director
The Delaware Nation

Companies

July 24, 2012

Ms. Kim Jumper
THPO - Shawnee Tribe
Fax: (918) 542-9915

RE: Invitation to Comment Under Section 106: Proposed Antenna Collocation
Yonkers NY Distributed Antenna System (DAS) Network
City of Yonkers, Westchester County, New York
BL Project No. 08L1720-B
TCNS# 85846

Dear Ms. Jumper:

At the request of ExteNet Systems, Incorporated, BL Companies (BL) is preparing a Federal Communications Commission (FCC) National Historic Preservation Act (NHPA) Section 106 study for 20 antenna collocations as part of the Yonkers NY Distributed Antenna System (DAS) network referenced above. This new action is submitted for review pursuant to the Nationwide Programmatic Agreement for the Collocation of Wireless Antennas (NCPA) executed by the FCC, the National Conference of State Historic Preservation Officers and the Advisory Council on Historic Preservation, effective March 7, 2005. Per Stipulation V of the NCPA, seventeen of the proposed nodes have been determined to be exempt from Section 106 review. The three remaining nodes are being evaluated for their potential effects upon historic properties, and are the subject of this review. BL is respectfully requesting your comments on any potential effects to historic properties and/or properties of religious and cultural significance.

The proposed telecommunication collocation nodes are to be located at an average height of 38 feet on utility poles in suburban areas within the City of Yonkers. The antennas, which are approximately 36 inches in height, will bring the total height of each pole to about 41 feet. The undertaking involves mounting antennas upon three existing utility poles, and ***will involve no ground disturbance***.

Per your instruction in the Notice of Organizations dated May 25, 2012, we are faxing information to let you know that this is a collocation project with no ground disturbing activities proposed.

I would like to apologize for the delay in responding to your interest to consult. Originally, the project involved the siting of a new pole (and ground disturbance) for which we were preparing to undertake a Phase I Archaeological Survey. This has since been re-designed to involve no ground disturbance, which caused me to delay sending out information. I would also like to ensure that you require no additional information in order to make a determination about your interest in consulting on this project. If you have a preferred format or set of information for no ground disturbance collocation projects, I will make sure that in future we provide you with that information. In the meantime, if you need any further assistance or information, please do not hesitate to contact me. I can be reached directly at my desk by phone on (717) 943-1666, or by email at lcampetti@blcompanies.com.

Respectfully,
BL Companies

Leigh Casey Campetti
Project Archaeologist

SHAWNEE TRIBE
HISTORIC PRESERVATION DEPARTMENT
29 SOUTH HIGHWAY 69A
MIAMI, OKLAHOMA 74354
918▲542▲2441 PHONE 918▲542▲9915 FAX

FACSIMILE COVER PAGE

TO: Leigh
FIRM/AGENCY: BL Co.
FAX NUMBER: 717-651-9858
PHONE NUMBER:

FROM: KIM JUMPER
DATE/TIME: 8/01/12
NO. OF PAGES, INCLUDING COVER: 1
MEMO: 858410

Message: The Shawnee Tribe's Tribal Historic Preservation Officer concurs that no known historic properties will be negatively impacted by construction of this tower site (see memo line above for TCNS number/s). The Shawnee Tribe's archives do not reveal any issues of concern at this tower location. In the event that archaeological materials are encountered later during construction, use, or maintenance of this tower location, please re-notify us at that time as we would like to resume consultation under such a circumstance.

The Shawnee Tribe's Environmental and Natural Resources Department takes this opportunity to express its concerns that telecommunication towers can have a potentially destructive impact on bats and migratory birds, particularly those that migrate at night, including species listed as threatened and endangered by both states and the federal government, as well as other species. The Shawnee Tribe suggests that this tower be constructed in accordance with the guidelines available from the US Fish and Wildlife Service to reduce the adverse effects of telecommunications towers on migratory birds; these guidelines may be found at: www.fws.gov/migratorybirds/issues/towers/comtow.html.

The Shawnee Tribe's Environmental and Natural Resources Department is further concerned that the proliferation of cell towers may play a role in honey bee Colony Collapse Disorder. We acknowledge that cell phone technology may not be to blame, especially by itself, as other potential causative factors for the decline have been noted, such as insecticides, tracheal and varroa mites [an immunosuppressant], other parasites, pesticides used on hives to eliminate parasites, genetically modified plants, *Nosema* fungus, Israeli Acute Paralysis Viris (IAPV) perhaps introduced from Australia in 2004, Kashmir Bee Virus [KBV], climate change, and drought.

Finally, the Shawnee Tribe's Environmental and Natural Resources Department requests that cell tower sites, whenever remotely feasible, be restored to native vegetation. In all cases, habitat restoration can protect a variety of species, even in small project areas. The large number of cell tower sites provides an as yet unrealized opportunity for region-wide habitat restoration. The Tribe urges the cell phone industry to provide a model for native habitat restoration for other industries.

Please do not hesitate to call us for additional comment.

BL Companies

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

July 25, 2012

Ms. Sequahna Mars
Program Manager – Cell Tower Division
Narragansett Indian Tribe
P.O. Box 350
Wyoming, Rhode Island 02898
Cc: Sequahna@yahoo.com

RE: Invitation to Comment Under Section 106: Proposed Antenna Collocation
Yonkers NY Distributed Antenna System (DAS) Network
City of Yonkers, Westchester County, New York
BL Project No. 08L1720-B
TCNS# 85846

Dear Ms. Mars:

At the request of ExteNet Systems, Incorporated, BL Companies (BL) is preparing a Federal Communications Commission (FCC) National Historic Preservation Act (NHPA) Section 106 study for 20 antenna collocations as part of the Yonkers NY Distributed Antenna System (DAS) network referenced above. This new action is submitted for review pursuant to the Nationwide Programmatic Agreement for the Collocation of Wireless Antennas (NCPA) executed by the FCC, the National Conference of State Historic Preservation Officers and the Advisory Council on Historic Preservation, effective March 7, 2005. Per Stipulation V of the NCPA, seventeen of the proposed nodes have been determined to be exempt from Section 106 review. The three remaining nodes are being evaluated for their potential effects upon historic properties, and are the subject of this review. BL is respectfully requesting your comments on any potential effects to historic properties and/or properties of religious and cultural significance.

The proposed telecommunication collocation nodes are to be located at an average height of 38 feet on utility poles in suburban areas within the City of Yonkers. The antennas, which are approximately 36 inches in height, will bring the total height of each pole to about 41 feet. The undertaking involves mounting antennas upon three existing poles, and ***will involve no ground disturbance***.

Attached is a USGS map depicting the location of the proposed antennas that are subject to Section 106 review, a spreadsheet with individual node location information, and a construction drawing depicting the utility pole profile.

Please find enclosed the requested fee of $500.00 to facilitate your review process. If you have any comments, questions, or concerns regarding effects of the proposed collocations on culturally significant properties, we would appreciate receiving them within 30 days. If you need any further assistance or information, please do not hesitate to contact me. I can be reached directly by phone on (717) 943-1666, or by email at lcampetti@blcompanies.com.

Respectfully,
BL Companies

Leigh Casey Campetti
Project Archaeologist

BL Companies
Architecture
Engineering
Environmental
Land Surveying

An Employee-Owned Company

FACSIMILE TRANSMITTAL

DATE	8-28-12 – 8-22-12 – 8-17-12
ATTENTION	Anthony Dean Stanton
COMPANY	Narragansett Indian Tribe
FAX NUMBER	401-364-1104
FROM	BL Companies
EMAIL	srichie@blcompanies.com
SENDER	Stephanie Richie
PROJECT NAME	Various Projects
PROJECT NUMBER	Various Project Numbers
SUBJECT	Tribal Consultation
NUMBER OF PAGES (including cover)	*If you do not receive all pages, please notify sender.*
Hard Copy To Follow via	☐ US Mail ☐ FedEx ☐ Other
	☒ No Other Copy Will Be Sent

MESSAGE/ATTACHMENT:

Good Afternoon Mr. Stanton!

I am faxing you in regards to four telecommunications projects that the Narragansett Tribe has requested to enter into consultation. The projects were entered into TCNS on 4-16-12 and hardcopies containing additional project information, and a review fee check were mailed on 5-14-12. An email containing the same project information was also sent to Sequahna Mars on 5-14-12. Additionally, several follow up calls and emails have been placed requesting a status check.

We are currently still waiting to get a response from the Narragansett on these four projects along with three newer projects, for which additional information and a review fee check has been submitted, along with follow up emails. Please see all TCNS numbers below.

Oldest:

84784 – Lowell, MA ; **84786** – Lawrence, MA ; **84788** – Central Falls / Pawtucket, RI ; **84787** – New Bedford, MA

Newest:

85843 – Salem, MA ; **85846** – Yonkers, NY ; **86627** Hull, MA

We would very much appreciate an update of where these projects are in the review process so we can notify our clients.

Thank you,
Steph

4242 Carlisle Pike, Suite 260 • Camp Hill, PA 17011 • T (717) 651-9850 • F (717) 651-9858 • www.blcompanies.com

Narragansett Indian Tribal Historic Preservation Office
Section 106 Review
Consultation Response Form

TCNS Notification ID Number:	858946
Project Name/Identifying Number *(if applicable)*	
Consultant/Environmental Firm:	BL Companies
Site Address or Location Description:	358 Midland Ave
City, State:	Yonkers, NY
Point of Contact	Leigh Casey Campetti

Response:

☐ We have no comments related to the proposed project.

☑ NITHPO's site examination revealed no indicators of the presence of past tribal cultural resources. On behalf of the Narragansett Indian Tribe, the NITHPO considers this project in compliance with and cleared of the Narragansett Tribe's section 106 concerns. NITHPO anticipates no inadvertent encounters by you or your client with significant intact cultural resources (burials, village sites or ceremonial sites).

☐ Based on information provided to us the site is not to include any ground disturbance and is therefore found to be in compliance with and cleared of the Narragansett Tribe's section 106 concerns.

☐ NITHPO's site examination revealed probable indicators of the presence of past tribal cultural resources, and recommends the following actions:

_____

_____

_____

_____

By accepting this determination letter, it is agreed that if archaeological materials or human remains are encountered during construction and/or excavation, construction/excavation is to cease immediately and the Narragansett Indian Tribal Historic Preservation Office and applicable Historic Preservation Office(s) will be notified.

Sequahna Mars — Sequahna Mars, Project Manager, NITHPO

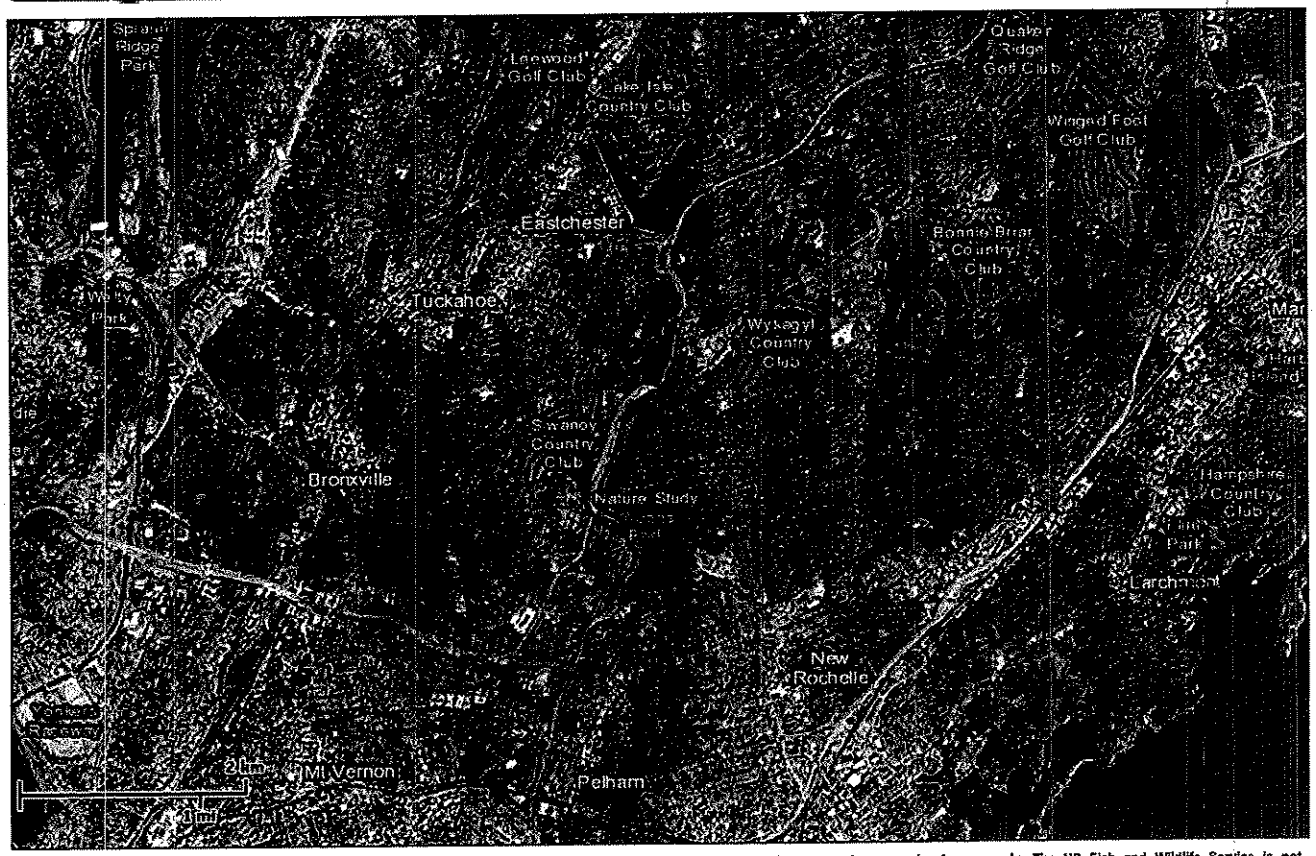
October 2012 — Date

Narragansett Indian Tribal Historic Preservation Office
P.O. Box 350
Wyoming, RI 02898
Email: Sequahna@yahoo.com
Phone: 401-536-8994
Fax: 401-223-4884

U.S. Fish and Wildlife Service
National Wetlands Inventory

Yonkers/Pelham
ODAS

Nov 14, 2012



Wetlands

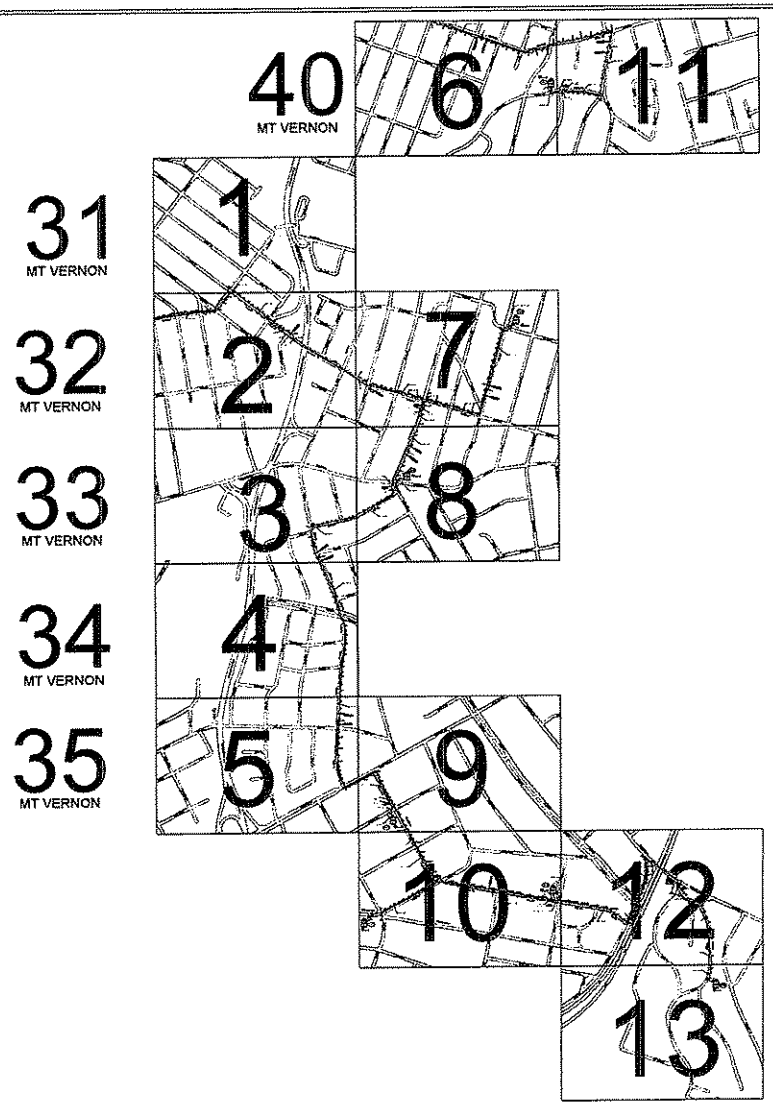
- Freshwater Emergent
- Freshwater Forested/Shrub
- Estuarine and Marine Deepwater
- Estuarine and Marine
- Freshwater Pond
- Lake
- Riverine
- Other

Riparian

- Herbaceous
- Forested/Shrub

User Remarks:

EXHIBIT 4



NODE LOCATIONS

PLH001	MAP 11
PLH002	MAP 8
PLH003	MAP 7
PH2001	MAP 10
PH2002	MAP 10
PH2003	MAP 9
PH2004	MAP 13

AS-BUILT

extenet SM SYSTEMS — YOUR NETWORK. EVERYWHERE.

3030 Warrenville Road
Suite 340, Lisle, IL 60532

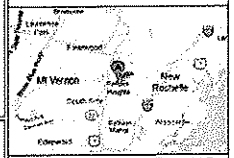
Project #:	EXTNY07000
Job Title:	Pelham, NY
Engineer:	Waveguide Inc.
Original Issue Date:	09/28/12
Published Date:	11/22/13

- JOINT POLE
- POWER POLE
- NODE POLE
- SPLICE
- STRAIGHT SPLICE
- STRAIGHT SPLICE
- BALLOON SPLICE
- CONNECTING SPLICE
- SLACK LOOP
- ANCHOR
- GROUND
- MANHOLE
- HANDHOLE
- VAULT
- PEDESTAL

Created By:

Waveguide

10 N Southwood Dr
Nashua, NH 03063
Phone: (603) 598-0096

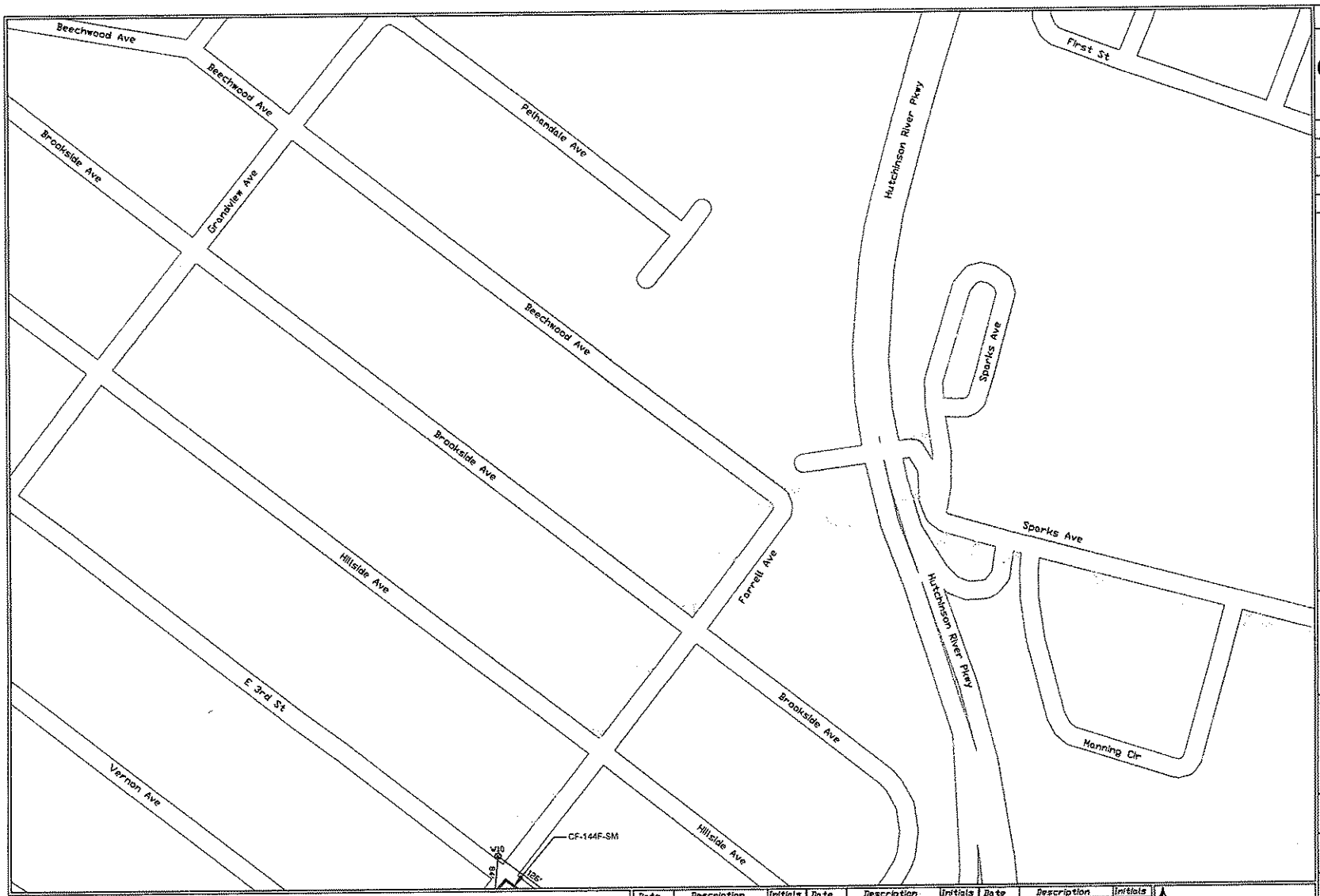


Map Number: KEY MAP

State: NEW YORK
County: WESTMINSTER
Municipality: PELHAM
Township:

Date	Description	Initials	Date	Description	Initials	Date	Description	Initials
11/22/13	AS-BUILT	KPA						

Scale: 1" = 1250'



AS-BUILT

exfenet SM SYSTEMS
YOUR NETWORK, EVERYWHERE.

3030 Warrenville Road
Suite 340. Lisle, IL 60532

Project #:	EXTNY07000
Job Title:	Pelham, NY
Engineer:	Waveguide Inc.
Original Issue Date:	09/28/12
Published Date:	11/22/13

⊕ = JOINT POLE	∞ = SLACK LOOP
✕ = POWER POLE	= ANCHOR
⊕ = NODE POLE	= GROUND
= SPLICE	= HANDHOLE
= STRAIGHT SPLICE	= MANHOLE
= STRAIGHT SPLICE	V = VAULT
= BALLOON SPLICE	= PEDESTAL
= CONNECTING SPLICE	

Created By:

Waveguide

10 N Southwood Dr
Nashua, NH 03063
Phone: (603) 598-0096

MAP 1

MAP 2

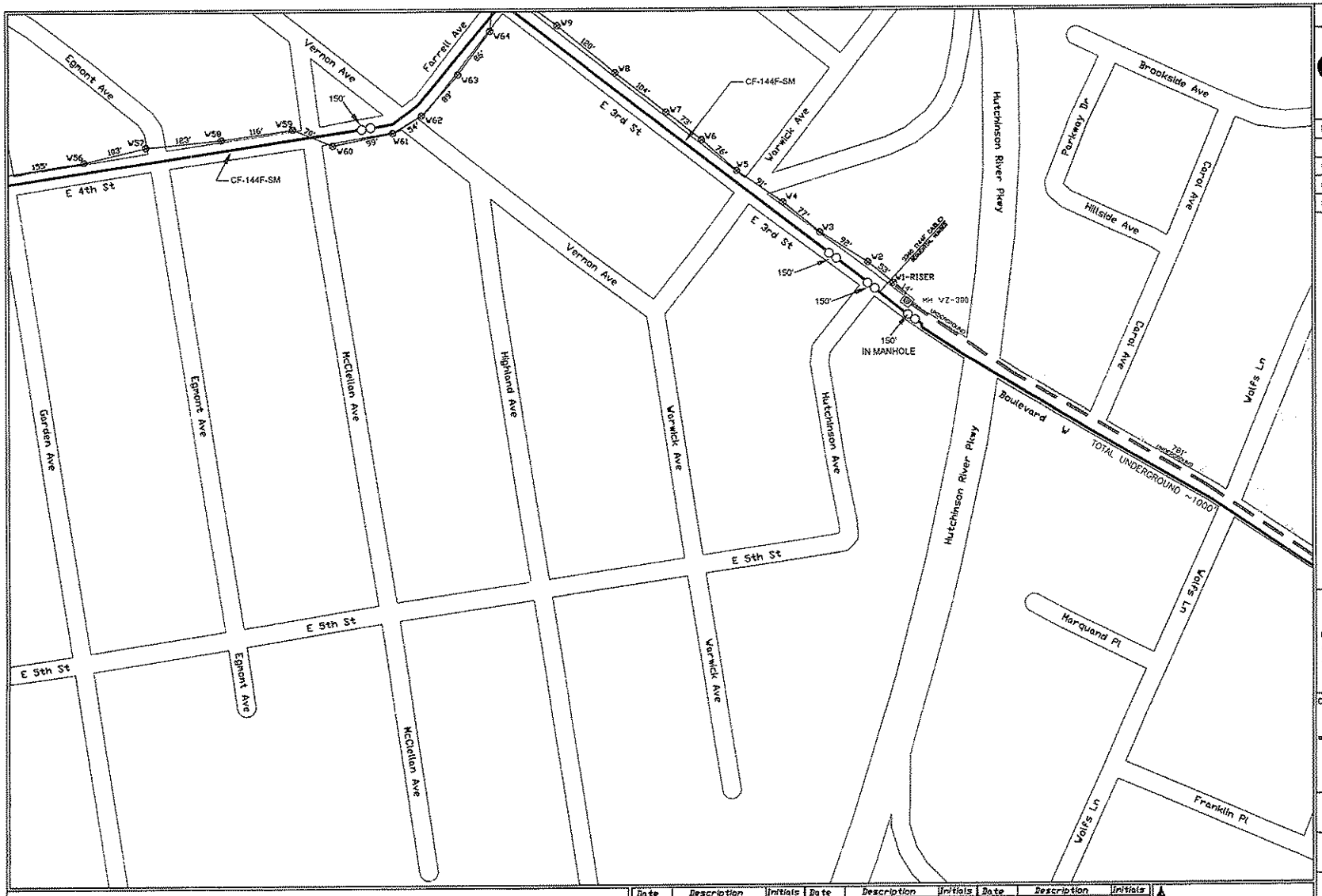
Map Number: MAP 001

State: NEW YORK
County: WESTMINSTER
Municipality: PELHAM
Township:

Date	Description	Initials	Date	Description	Initials	Date	Description	Initials
11/22/13	AS-BUILT	KPA						

N

Scale: 1" = 150'



AS-BUILT

extenet SM SYSTEMS
YOUR NETWORK. EVERYWHERE.
3030 Warrenville Road
Suite 340, Lisle, IL 60532

Project #:	EXTNY07000
Job Title:	Pelham, NY
Engineer:	Waveguide Inc.
Original Issue Date:	09/28/12
Published Date:	11/22/13

JOINT POLE	BLACK LOOP
POWER POLE	ANCHOR
HOME POLE	GROUND
SPLICE	HANDHOLE
STRAIGHT SPLICE	MANHOLE
STRAIGHT SPLICE	VAULT
BALLOON SPLICE	PEDESTAL
CONNECTING SPLICE	

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10 N Southwood Dr
Nashua, NH 03063
Phone: (603) 598-0096

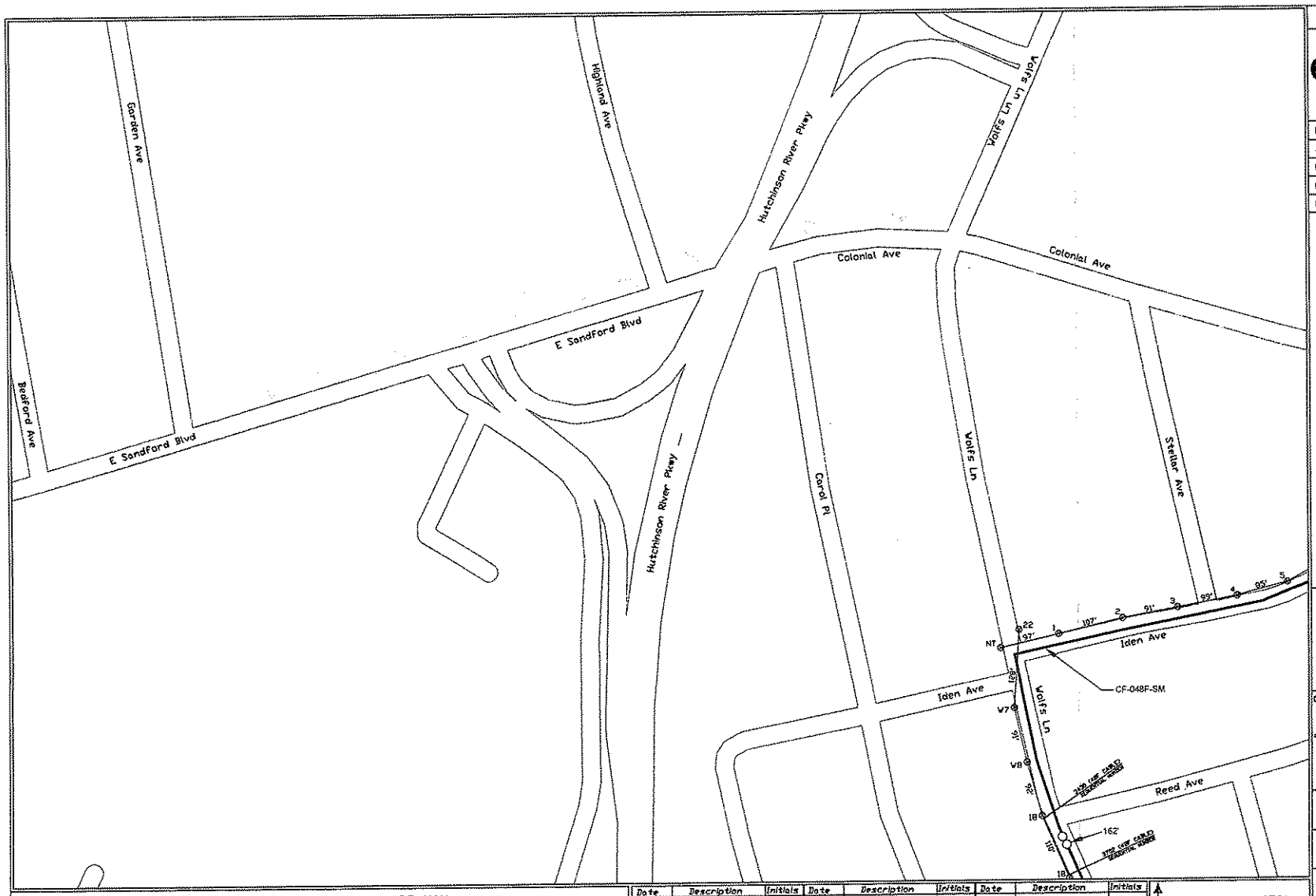
	MAP 1	
	MAP 2	MAP 7
	MAP 3	

Map Number: MAP 002

State: NEW YORK
County: WESTMINSTER
Municipality: PELHAM
Township:

Date	Description	Initials	Date	Description	Initials	Date	Description	Initials
11/22/13	AS-BUILT	KPA						

Scale: 1" = 150'



AS-BUILT

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3030 Warrenville Road
Suite 340, Lisle, IL 60532

Project #:	EXTNY07000
Job Title:	Pelham, NY
Engineer:	Waveguide Inc.
Original Issue Date:	09/28/12
Published Date:	11/22/13

⊗ = JOINT POLE	∞ = SLACK LOOP
X = POWER POLE	= ANCHOR
⊕ = MIDE POLE	= GROUND
= SPLICE	= HANDHOLE
= STRAIGHT SPLICE	= MANHOLE
= STRAIGHT SPLICE	= VAULT
= BULLDOG SPLICE	= PEDESTAL
= CONNECTING SPLICE	

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Nashua, NH 03063
Phone: (603) 598-0096

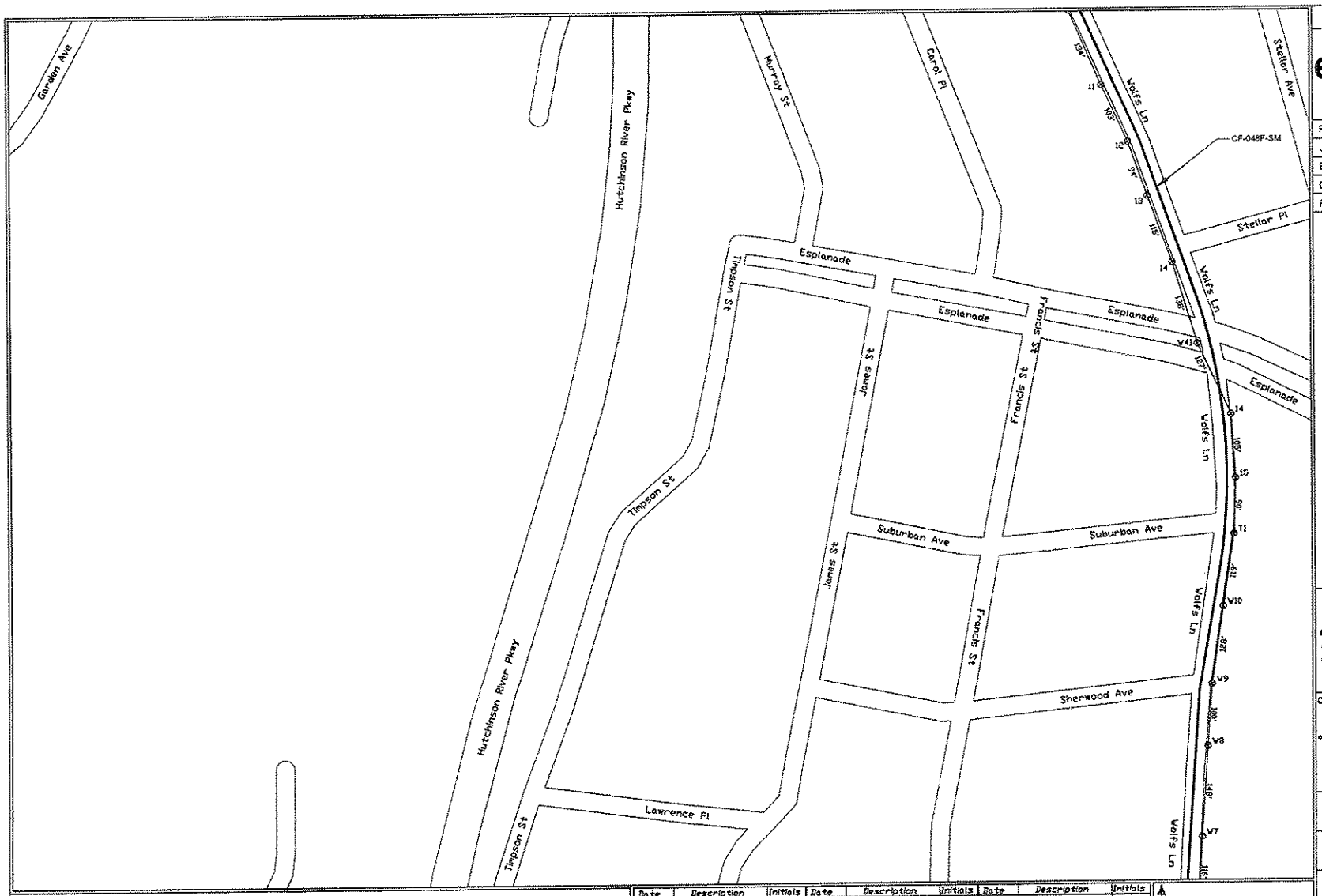
	MAP 2	
	MAP 3	MAP 8
	MAP 4	

Map Number: MAP 003

State: NEW YORK
County: WESTMINSTER
Municipality: PELHAM
Township:

Date	Description	Initials	Date	Description	Initials	Date	Description	Initials
11/22/13	AS-BUILT	KPA						

Scale: 1" = 150'



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Project #:	EXTNY07009
Job Title:	Pelham, NY
Engineer:	Waveguide Inc.
Original Issue Date:	09/28/12
Published Date:	11/22/13

- JOINT POLE
- POWER POLE
- HOMC POLE
- SPLICE
- STRAIGHT SPLICE
- STRAIGHT SPLICE
- BALLOON SPLICE
- CONNECTING SPLICE
- SLACK LOOP
- ANCHOR
- GROUND
- MANHOLE
- HANDHOLE
- VAULT
- PEDESTAL

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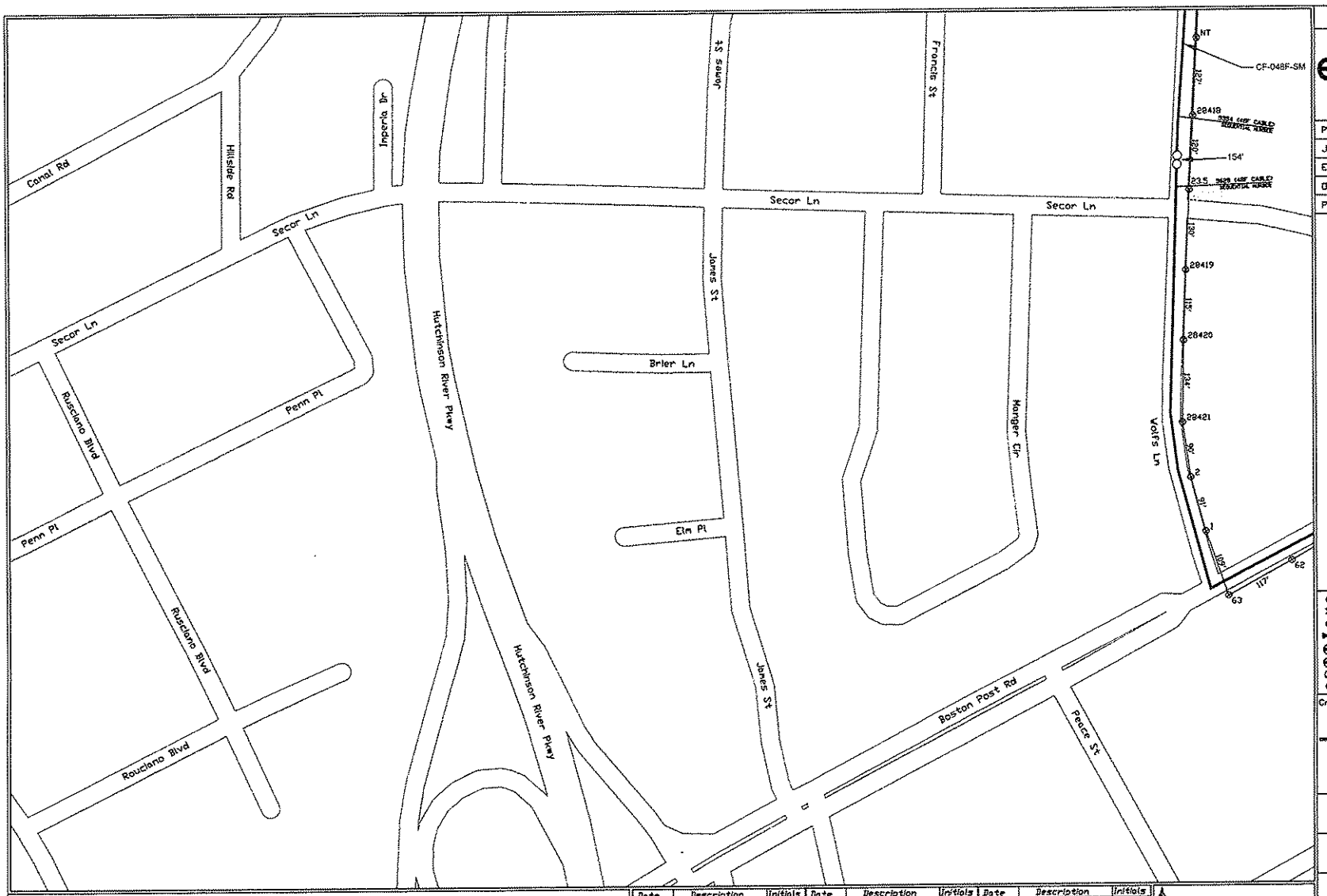
MAP 3
MAP 4
MAP 5

Map Number: MAP 004

State: NEW YORK
County: WESTMINSTER
Municipality: PELHAM
Township:

Date	Description	Initials	Date	Description	Initials	Date	Description	Initials
11/22/13	AS-BUILT	KPA						

Scale: 1" = 150'



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3030 Warrenville Road
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Project #: EXTNY07080

Job Title: Pelham, NY

Engineer: Waveguide Inc.

Original Issue Date: 09/28/12

Published Date: 11/22/13

JOINT POLE	BLACK LOOP
POWER POLE	ANCHOR
HOME POLE	GROUND
SPLICE	MANHOLE
STRAIGHT SPLICE	HANDHOLE
STRAIGHT SPLICE	VAULT
BALLOON SPLICE	PEDESTAL
CONNECTING SPLICE	

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	MAP 4	
	MAP 5	MAP 9

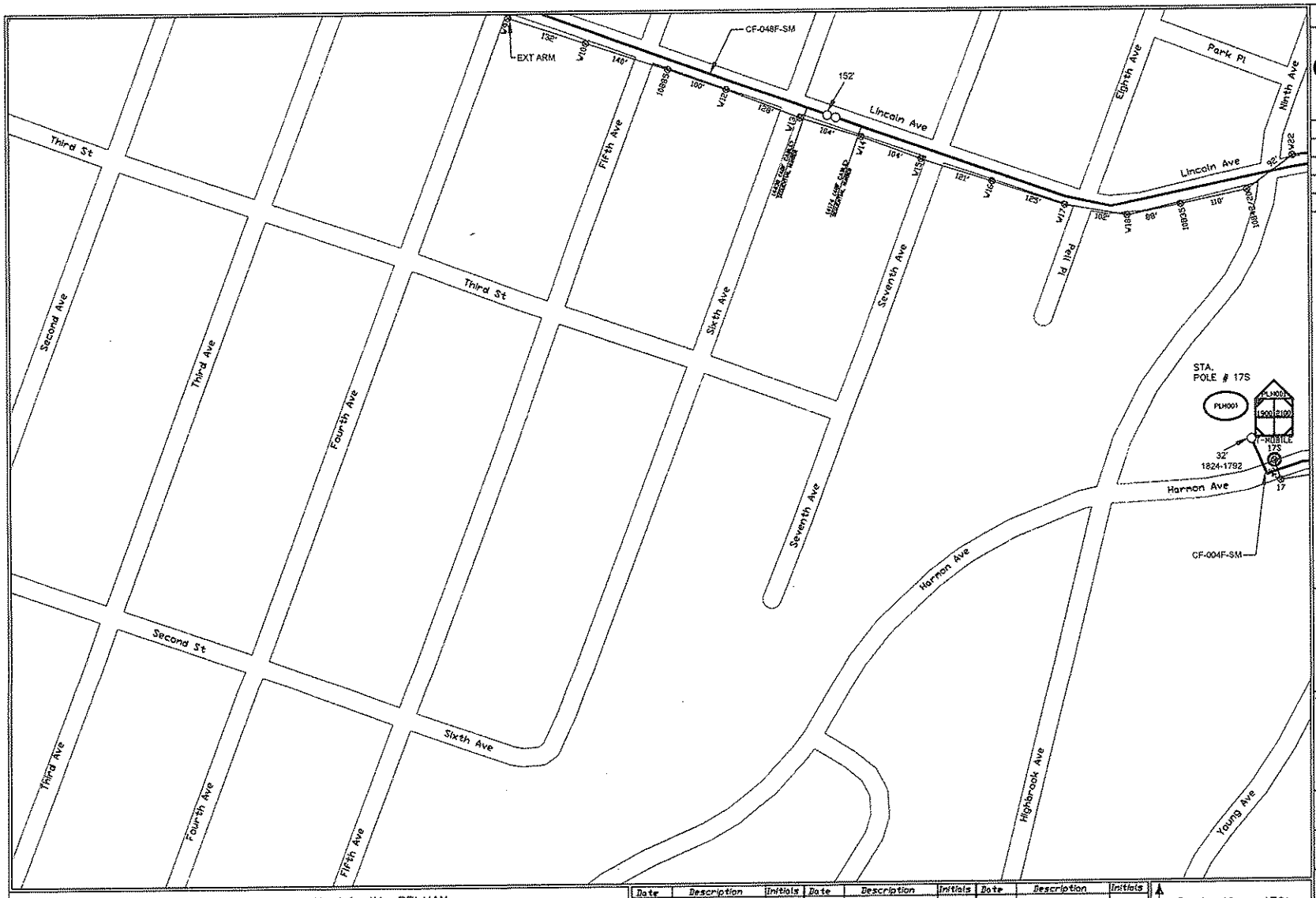
Map Number: MAP 005

State: NEW YORK
County: WESTMINSTER

Municipality: PELHAM
Township:

Date	Description	Initials	Date	Description	Initials	Date	Description	Initials
11/22/13	AS-BUILT	KPA						

Scale: 1" = 150'



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Project #:	EXTNY87000
Job Title:	Pelham, NY
Engineer:	Waveguide Inc.
Original Issue Date:	09/28/12
Published Date:	11/22/13

- JOINT POLE
- POWER POLE
- NODE POLE
- SPLICE
- STRAIGHT SPLICE
- STRAIGHT SPLICE
- BALLOON SPLICE
- CONNECTING SPLICE
- SLACK LOOP
- ANCHOR
- GROUND
- HANDHOLE
- MANHOLE
- VAULT
- PEDESTAL

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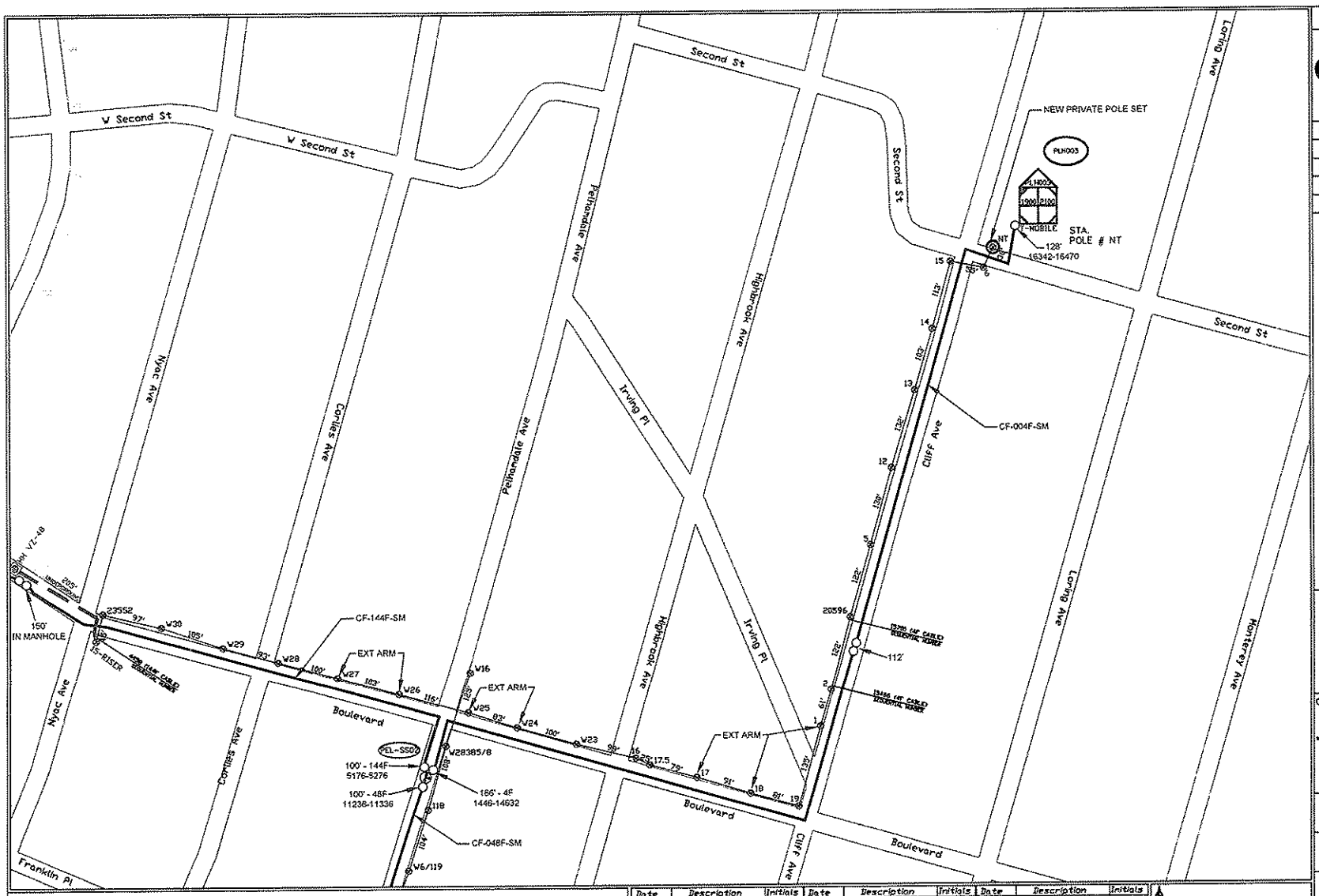
	MAP 6	MAP 11
	MAP 7	

Map Number: MAP 006

State: NEW YORK
County: WESTMINSTER
Municipality: PELHAM
Township:

Date	Description	Initials	Date	Description	Initials	Date	Description	Initials
11/22/13	AS-BUILT	KPA						

Scale: 1" = 150'



State: NEW YORK
County: WESTMINSTER
Municipality: PELHAM
Township:

AS-BUILT

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SYSTEMS
3030 Warrenville Road
Suite 340, Lisle, IL 60532

Project #:	EXTNY07080
Job Title:	Pelham, NY
Engineer:	Waveguide Inc.
Original Issue Date:	09/28/12
Published Date:	11/22/13

- JOINT POLE
- POWER POLE
- NOSE POLE
- SPLICE
- STRAIGHT SPLICE
- STRAIGHT SPLICE
- BALLOON SPLICE
- CONNECTING SPLICE
- BLACK LOOP
- ANCHOR
- GROUND
- HANDHOLE
- HANDHOLE
- VAULT
- PEDESTAL

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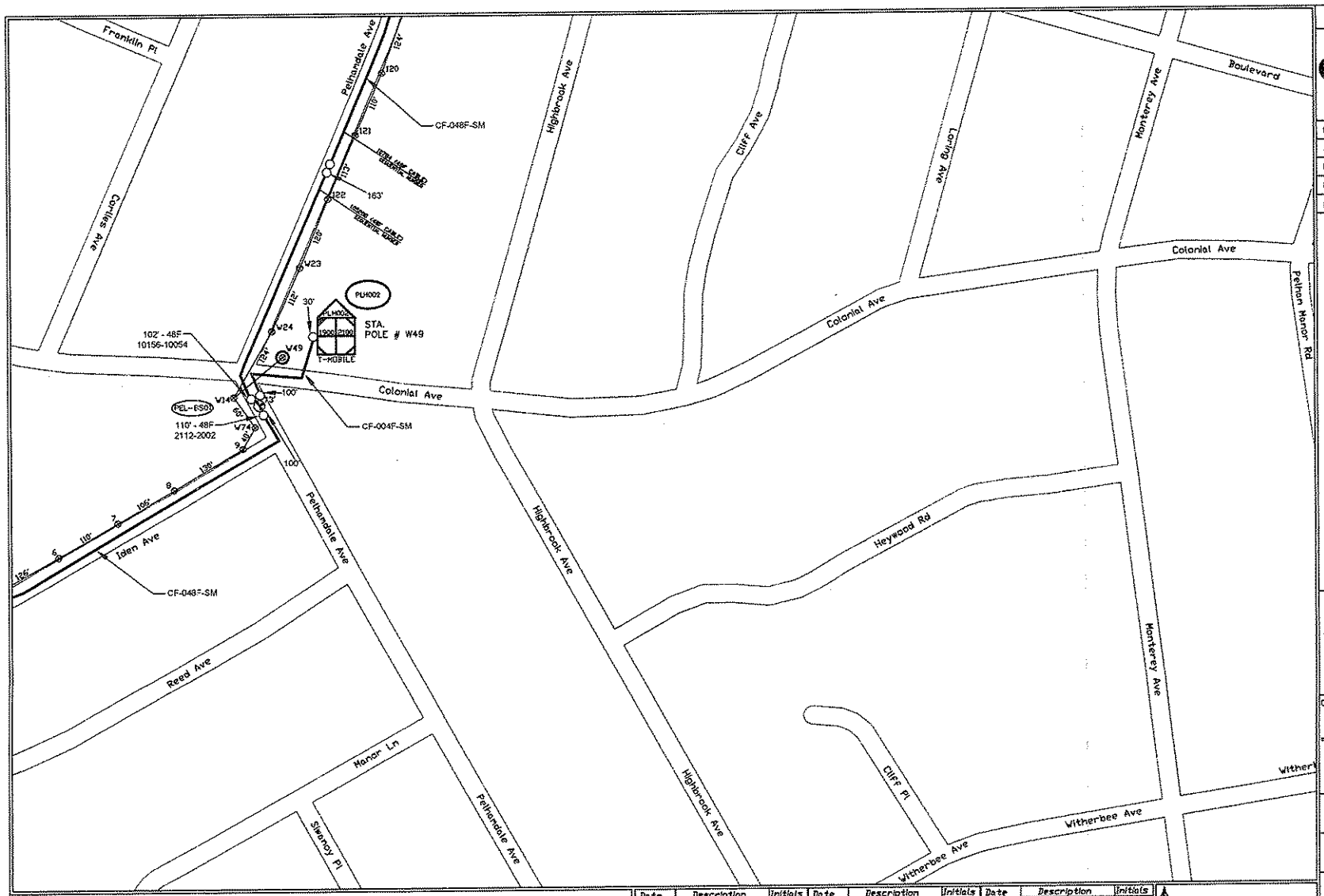
MAP 2 | MAP 7 | MAP 8

Map Number: MAP 007



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Project #: EXTNY07080

Job Title: Pelham, NY

Engineer: Waveguide Inc.

Original Issue Date: 09/28/12

Published Date: 11/22/13

JOINT POLE	SLACK LOOP
POWER POLE	ANCHOR
HOPE POLE	GROUND
SPLICE	HANDHOLE
STRAIGHT SPLICE	MANHOLE
STRAIGHT SPLICE	VAULT
BALLOON SPLICE	PEDESTAL
CONNECTING SPLICE	

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Waveguide

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Nashua, NH 03063
Phone: (603) 598-0096

	MAP 7	
MAP 3	MAP 8	

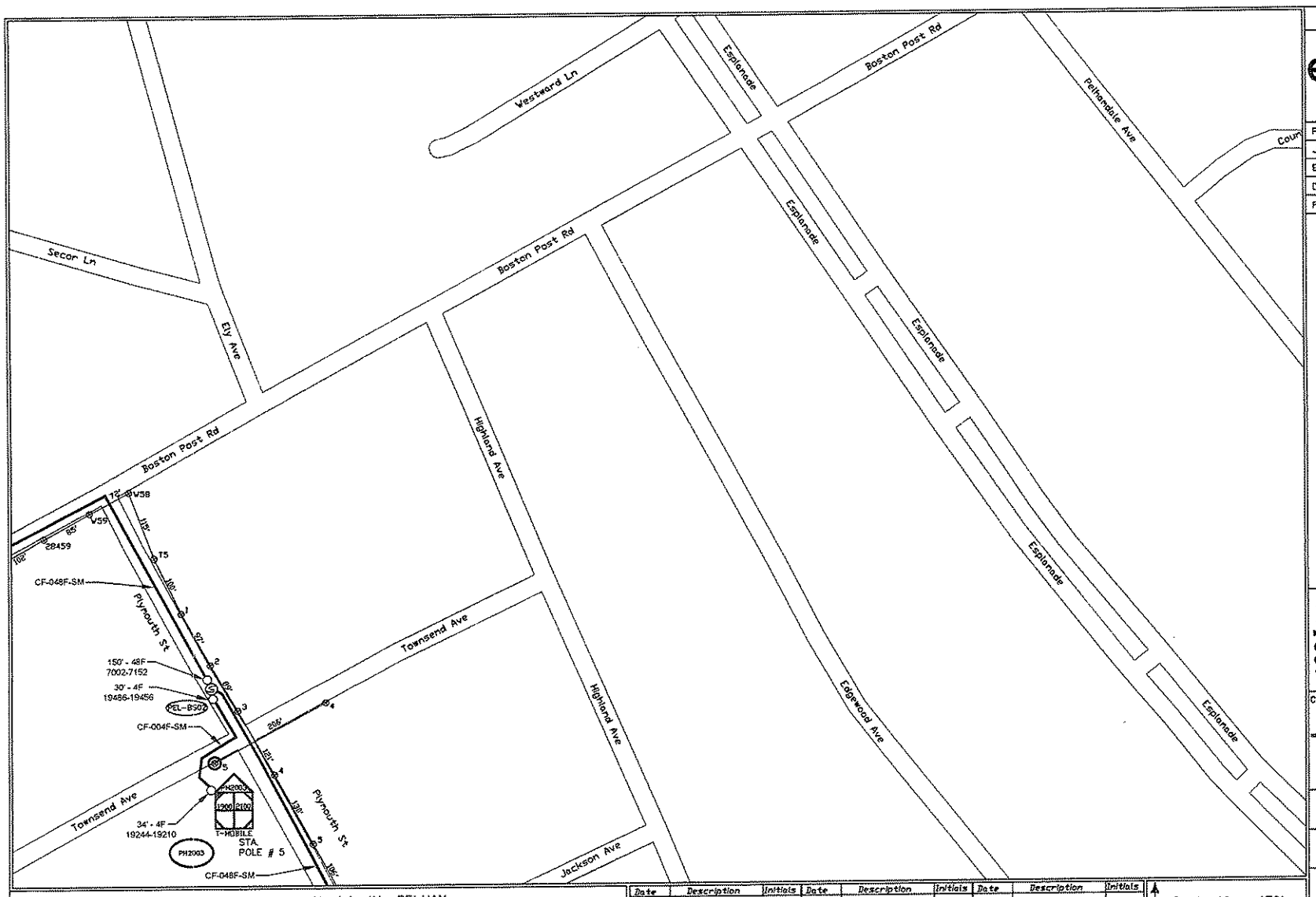
Map Number: MAP 008

State: NEW YORK
County: WESTMINSTER

Municipality: PELHAM
Township:

Date	Description	Initials	Date	Description	Initials	Date	Description	Initials
11/22/13	AS-BUILT	KPA						

Scale: 1" = 150'



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SYSTEMS
3030 Warrenville Road
Suite 340, Lisle, IL 60532

Project #:	EXTNY07000
Job Title:	Pelham, NY
Engineer:	Waveguide Inc.
Original Issue Date:	09/28/12
Published Date:	11/22/13

- JOINT POLE
- POWER POLE
- MORE POLE
- SPLICE
- STRAIGHT SPLICE
- STRAIGHT SPLICE
- BALLOON SPLICE
- CONNECTING SPLICE
- SLACK LOOP
- ANCHOR
- GROUND
- MANHOLE
- HANDHOLE
- VAULT
- PEDESTAL

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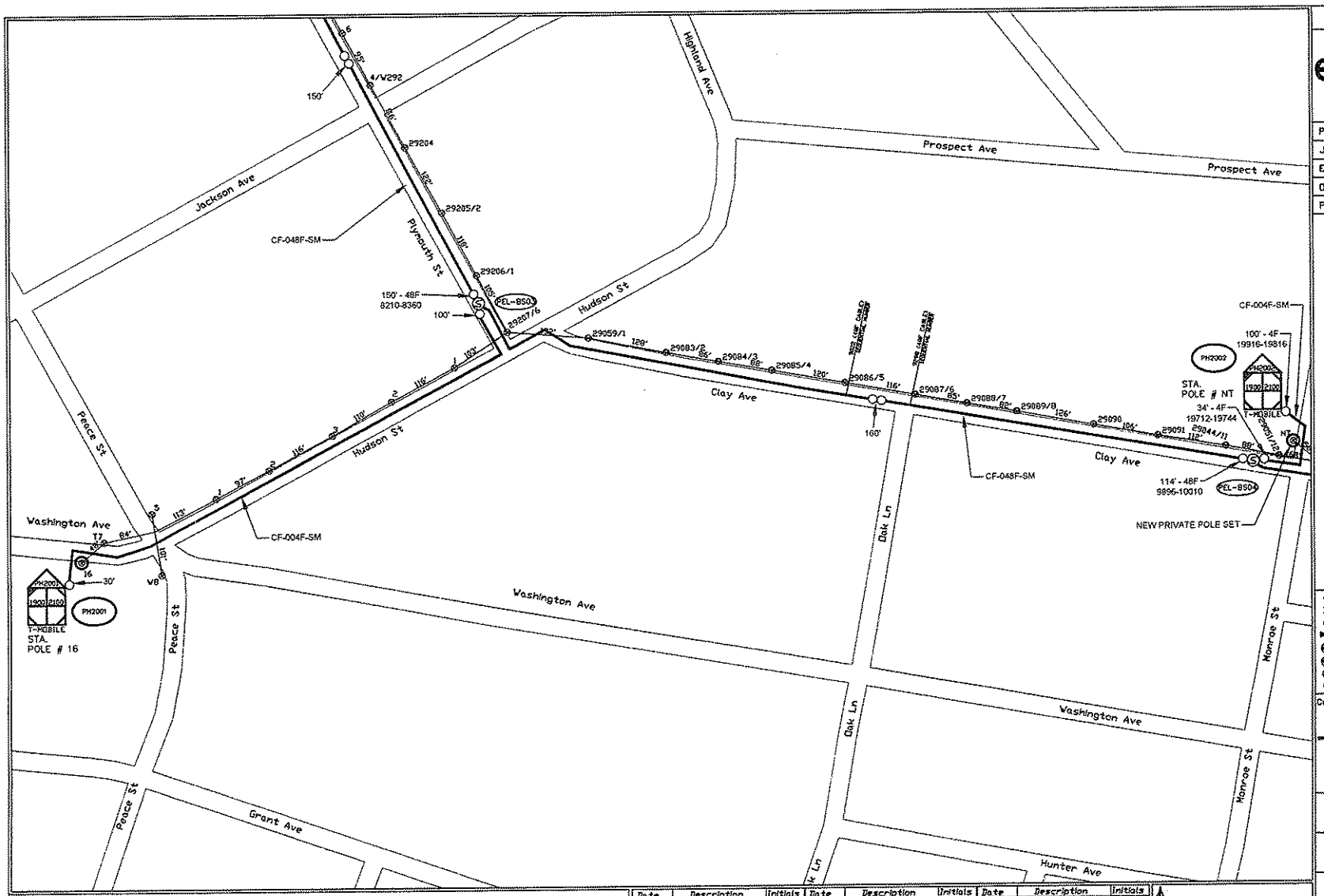
MAP 5	MAP 10	
	MAP 10	

Map Number: MAP 009

State: NEW YORK
County: WESTMINSTER
Municipality: PELHAM
Township:

Date	Description	Initials	Date	Description	Initials	Date	Description	Initials
11/22/13	AS-BUILT	KPA						

Scale: 1" = 150'



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3030 Warrenville Road
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Project #:	EXTNY07000
Job Title:	Pelham, NY
Engineer:	Waveguide Inc.
Original Issue Date:	09/28/12
Published Date:	11/22/13

- JOINT POLE
- POWER POLE
- NODE POLE
- SPLICE
- STRAIGHT SPLICE
- STRAIGHT SPLICE
- BALLOON SPLICE
- CONNECTING SPLICE
- SLACK LOOP
- ANCHOR
- GROUND
- MANHOLE
- HANDHOLE
- VAULT
- PEDESTAL

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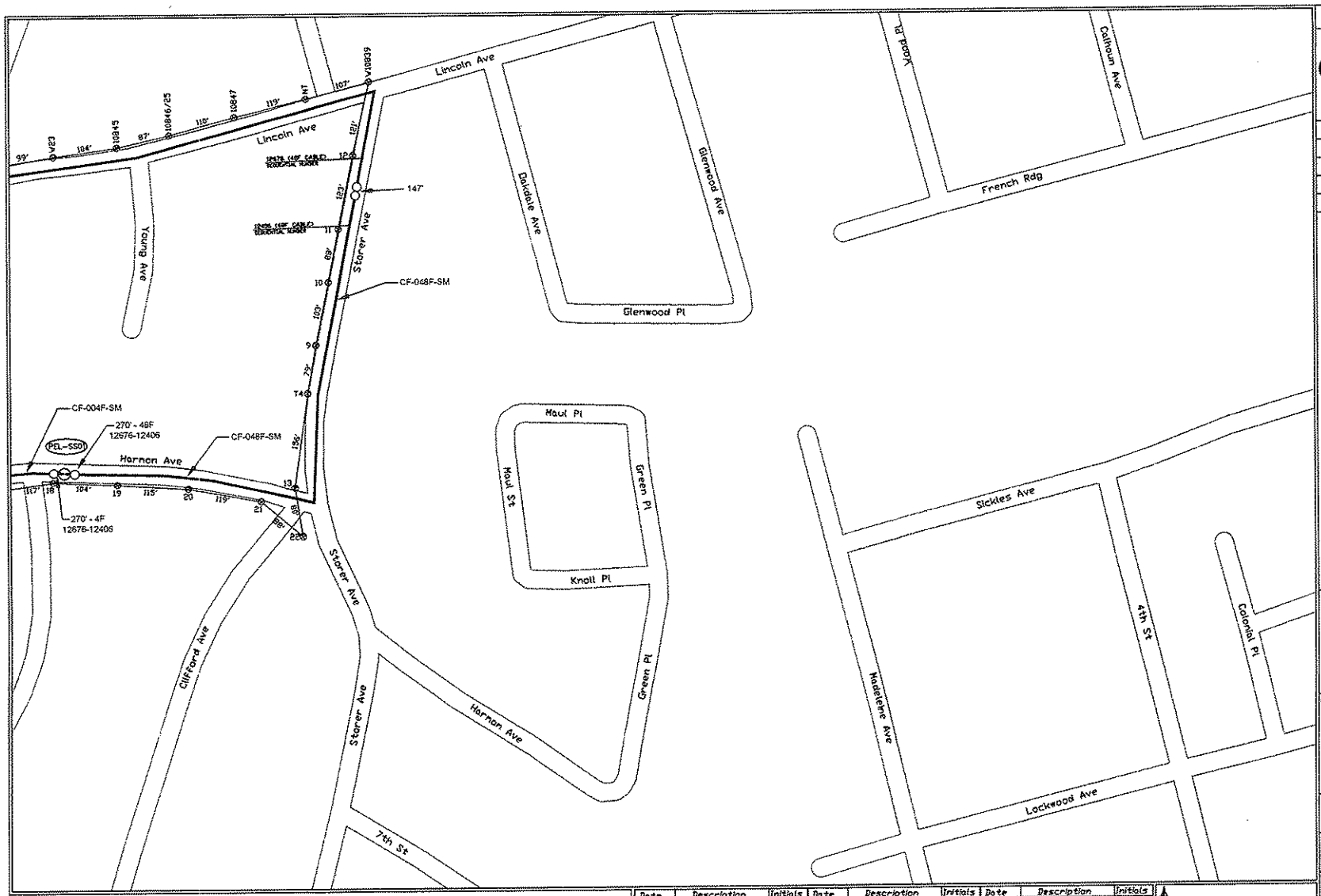
MAP 9 | MAP 10 | MAP 12

Map Number: MAP 010

State: NEW YORK
County: WESTMINSTER
Municipality: PELHAM
Township:

Date	Description	Initials	Date	Description	Initials	Date	Description	Initials
11/22/13	AS-BUILT	KPA						

Scale: 1" = 150'



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Project #:	EXTNY07000
Job Title:	Pelham, NY
Engineer:	Waveguide Inc.
Original Issue Date:	09/28/12
Published Date:	11/22/13

= JOINT POLE	= BLACK LOOP
= POWER POLE	= ANCHOR
= NOSE POLE	= GROUND
= SPLICE	= MANHOLE
= STRAIGHT SPLICE	= HANDHOLE
= STRAIGHT SPLICE	= VAULT
= BALLOON SPLICE	= PEDESTAL
= CONNECTING SPLICE	

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MAP 6	MAP 11	

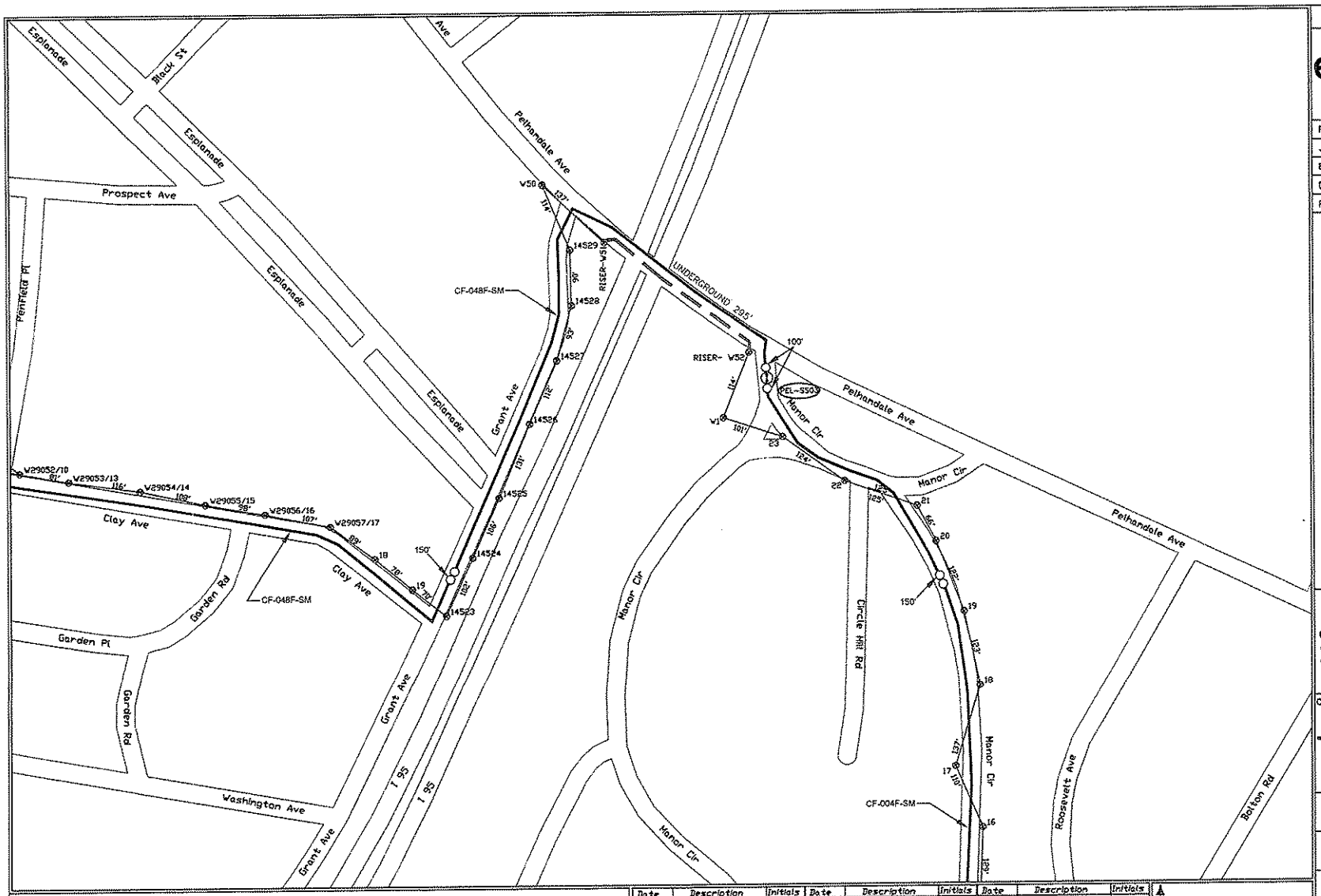
Map Number: MAP 011

State: NEW YORK
County: WESTMINSTER
Municipality: PELHAM
Township:

Date	Description	Initials	Date	Description	Initials	Date	Description	Initials
11/22/13	AS-BUILT	KPA						

N

Scale: 1" = 150'



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Project #:	EXTNY07000
Job Title:	Pelham, NY
Engineer:	Waveguide Inc.
Original Issue Date:	09/28/12
Published Date:	11/22/13

● = JOINT POLE	∞ = SLACK LOOP
✕ = POWER POLE	= ANCHOR
⊕ = NEW POLE	= GROUND
⊢◀ = SPLICE	= HANDHOLE
= STRAIGHT SPLICE	● = MANHOLE
= STRAIGHT SPLICE	= VAULT
= BALLOON SPLICE	= PEDESTAL
● = CONNECTING SPLICE	

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Phone: (603) 598-0096

MAP 10	MAP 12	
	MAP 13	

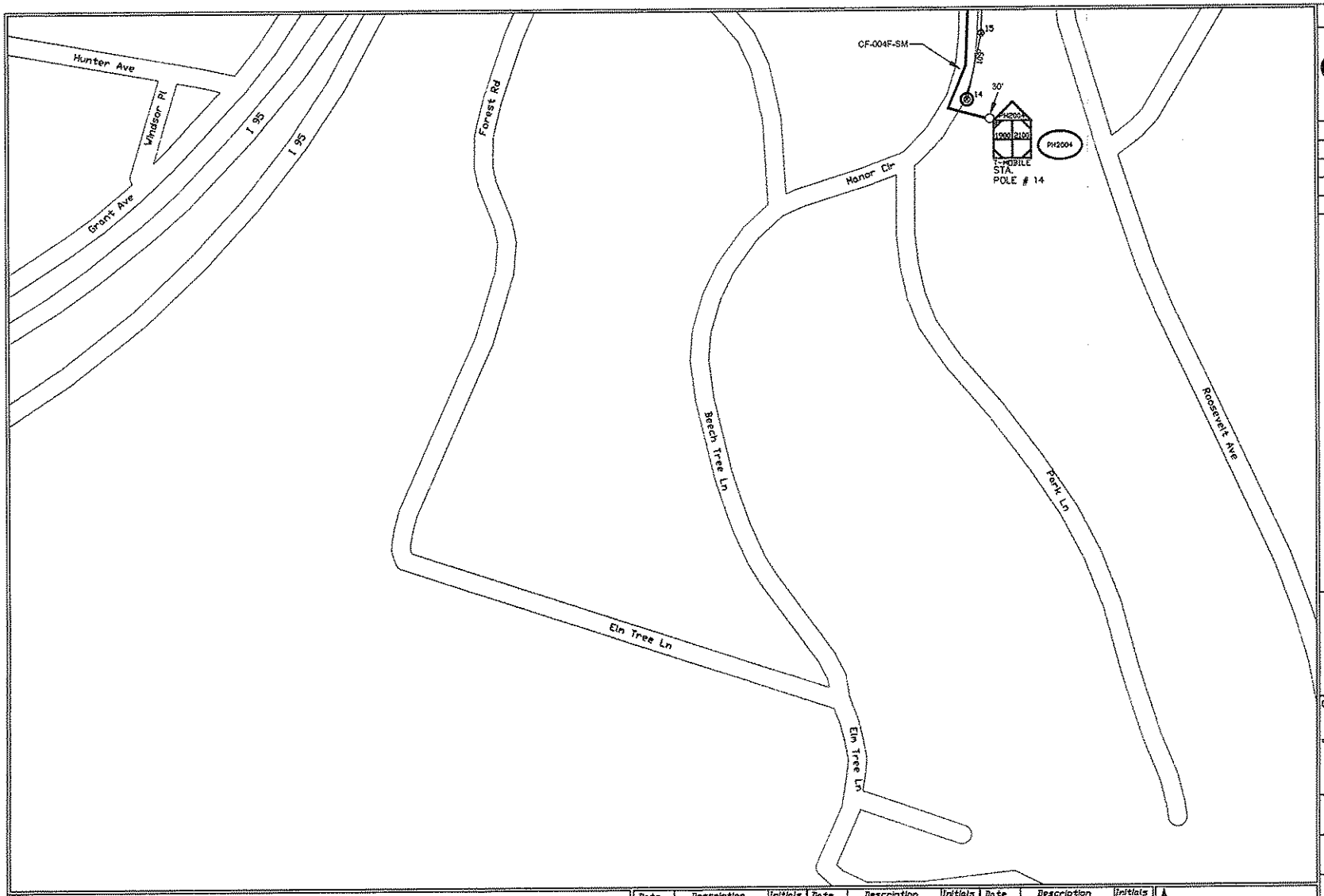
Map Number: MAP 012

State: NEW YORK
County: WESTMINSTER
Municipality: PELHAM
Township:

Date	Description	Initials	Date	Description	Initials	Date	Description	Initials
11/22/13	AS-BUILT	KPA						

N

Scale: 1" = 150'



AS-BUILT

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3030 Warrenville Road
Suite 340, Lisle, IL 60532

Project #:	EXTNY07080
Job Title:	Pelham, NY
Engineer:	Waveguide Inc.
Original Issue Date:	09/28/12
Published Date:	11/22/13

- JOINT POLE
- POWER POLE
- MISC POLE
- SPLICE
- STRAIGHT SPLICE
- STRAIGHT SPLICE
- BALLOON SPLICE
- CONNECTION SPLICE
- SLACK LOOP
- ANCHOR
- GROUND
- MANHOLE
- HANDHOLE
- VAULT
- PEDESTAL

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MAP 12

MAP 13

Map Number: MAP 013

State: NEW YORK
County: WESTMINSTER

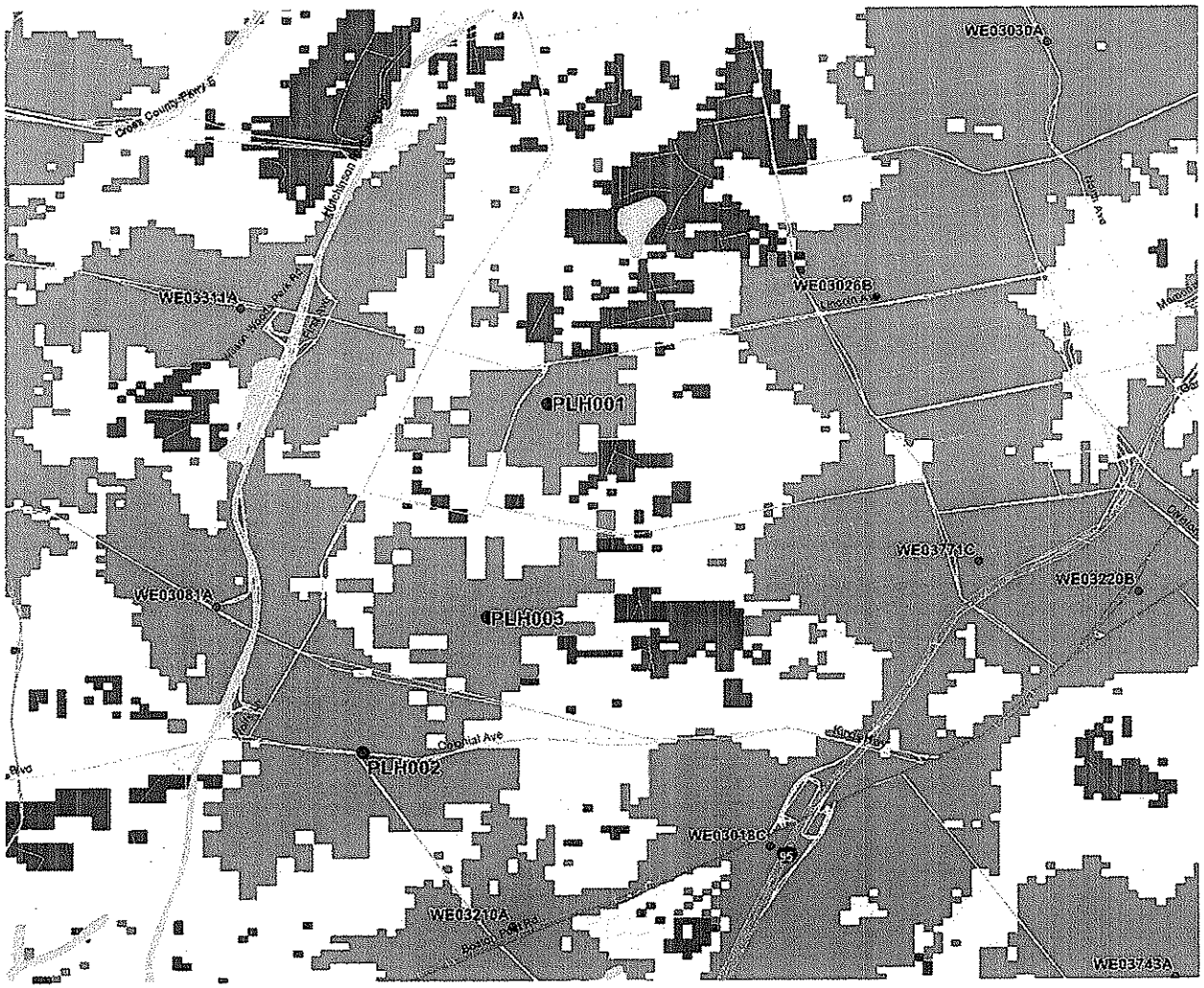
Municipality: PELHAM
Township:

Date	Description	Initials	Date	Description	Initials	Date	Description	Initials
11/22/13	AS-BUILT	KPA						

Scale: 1" = 150'

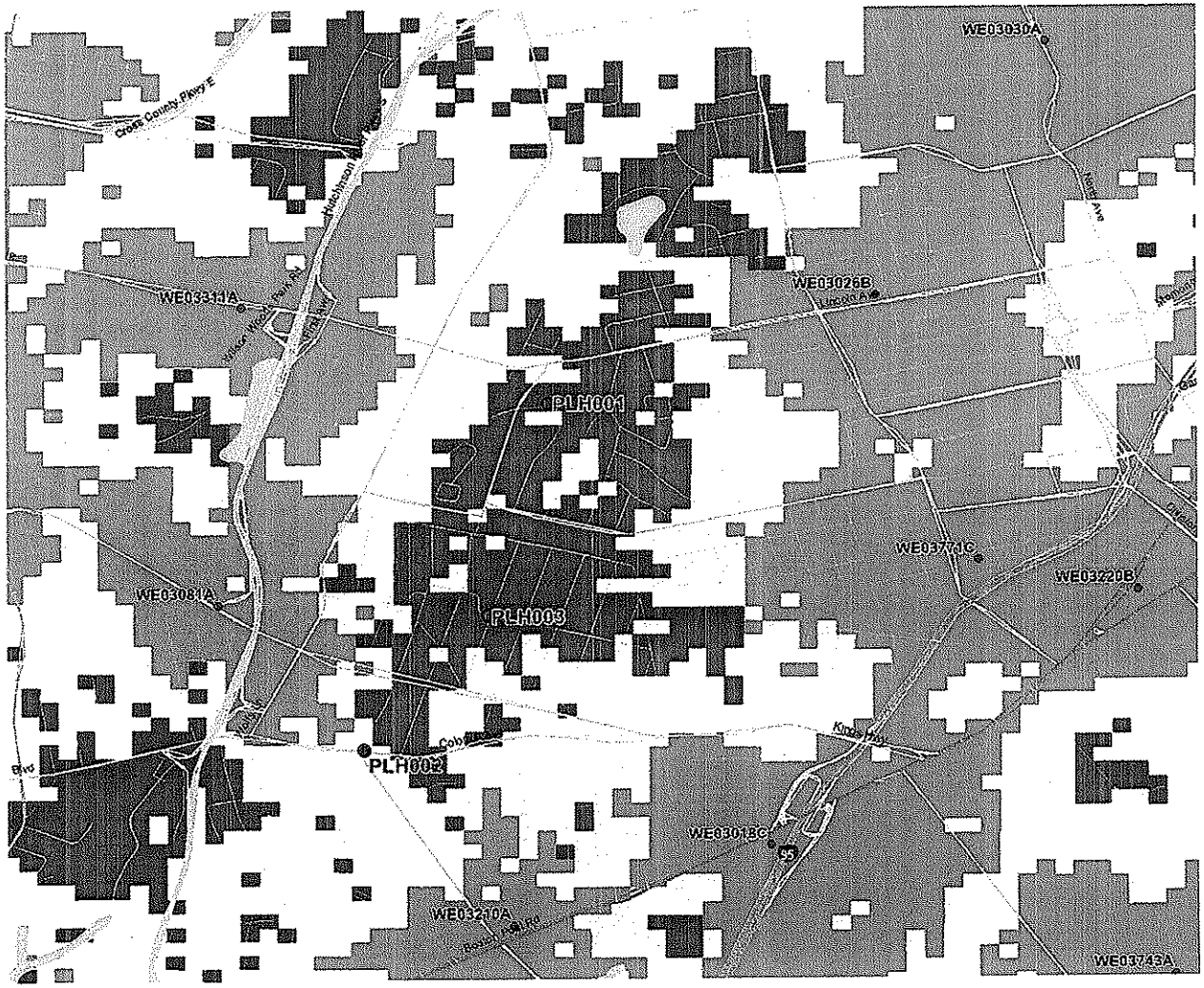
EXHIBIT 5

With Pelham Nodes: PLH001, PLH002, PLH003



LEGEND – GREEN: RSSI ≥ -75dBm, YELLOW: -75dBm > RSSI ≥ -85dBm, RED: -85dBm > RSSI ≥ -95dBm

W/O Pelham Nodes: PLH001, PLH002, PLH003



LEGEND – GREEN: RSSI ≥ -75dBm, YELLOW: -75dBm > RSSI ≥ -85dBm, RED: -85dBm > RSSI ≥ -95dBm

EXHIBIT 6

CUDDY & FEDER LLP

445 Hamilton Avenue, 14th Floor
White Plains, New York 10601
Tel 914.761.1300 Fax 914.761.5372
www.cuddyfeder.com

August 19, 2014

VIA HAND DELIVERY
Mr. Robert Yamuder
Village Administrator
Village of Pelham
Village Hall
195 Sparks Avenue
Pelham, NY 10803

Re: Village Board of Trustees
ExteNet's Pending Chapter 87 Permit Application & SEQRA

Dear Mr. Yamuder:

We are writing to you on behalf of our client ExteNet Systems, Inc. ("ExteNet") with respect to the above referenced matter and in furtherance of Judge Zambelli's final decision and order in Kaplan v. Village of Pelham, et. al., Index No. 3827/13, dated June 20, 2014. Without prejudice to ExteNet's appeal of Judge Zambelli's decision and order and/or its legal rights and remedies all of which are expressly reserved, please be advised that our client does respectfully request that the Village Board process its pending Chapter 87 special permit application filed in 2013 and render a SEQRA determination related to the action before it which includes consent and entry into a right-of-way agreement. Please note that our client expects to supplement its pending Chapter 87 special permit application shortly and we would respectfully request the Village process the application in accordance with Judge Zambelli's order including the scheduling and holding of a public hearing sometime in the fall of 2014. In the interim, enclosed please find a Radio Frequency Emissions report, prepared by Isotrope Wireless, which includes field measurements and confirms that the ExteNet DAS nodes in operation fully comply with FCC requirements for public safety. We would appreciate your forwarding a copy of the enclosed to the Trustees for their meeting this evening and we look forward to working with you and Village officials in furtherance of Judge Zambelli's order.

Very truly yours,

Christopher B. Fisher
Cc: Robert Spolzino, Esq.
Enclosure

C&F: 2520890.1

Isotrope
WIRELESS

Thinking outside the sphere

Routine Evaluation of Radio Frequency Emissions from the 3 Extenet Systems DAS Nodes in Pelham, New York

July 23, 2014

Isotrope
WIRELESS

Thinking outside the sphere

Routine Evaluation of Radio Frequency Emissions from the 3 Extenet Systems DAS Nodes in Pelham, New York

Executive Summary

This report finds that the radio frequency emissions of the Distributed Antenna System nodes owned and operated by Extenet Systems, Inc at three locations in Pelham, New York are within the allowed limits specified by the Federal Communications Commission. The facilities are exempt from routine evaluation under 47 CFR 1.1307(b) Table 1. Notwithstanding the apparent exemption, a routine evaluation was performed by calculation and field survey, which are the basis for this determination of compliance.

Introduction

Isotrope, LLC was engaged by Extenet Systems, Inc to evaluate the emissions of three Distributed Antenna System ("DAS") nodes in Pelham, New York. These nodes are constructed according to customary practices. They are placed on utility poles installed for the purpose. The operator of the DAS is a "neutral host provider" who is a registered utility with the state and offers transmission capacity to licensed carriers of personal wireless services. The radio frequency ("RF") emissions emanate from the antenna canister mounted on the top of each pole. Electronic equipment, telecommunications links, and power sources are attached to the pole. The electronic equipment is connected to the pole-top antenna by a vertical run of coaxial cable. The photo below shows a typical node located at Colonial Ave.

The nodes are presently configured to emit[1] the wireless signals of one certain personal wireless service carrier licensed by the FCC to operate on two wireless bands in the region. These two bands are the Personal Communications Service ("PCS") band and the Advanced Wireless Service ("AWS") band. These two bands are nearly adjacent in the radio spectrum. The emitted signals fall in the 1930-1990 MHz and 2110-2155 MHz frequency spectra, respectively.

The design specification places the antenna at 35 feet (10.7 m) above ground at each location. Assuming this is the nominal antenna centerline, and referring to the antenna specifications

[1] Wireless communications are two-way, so the node both emits and receives RF signals. For the purposes of RF safety compliance assessment, only the RF emissions from the node are relevant.

indicating the antenna is 1.9 feet (0.6 m) tall, the bottom of the antenna would be 10.1 m above ground.

Exemption from Routine Evaluation

According to 47 CFR 1.1307, Table 1, PCS (Part 24) and AWS (Part 27) emissions are subject to *routine evaluation* only if the antenna is less than ten meters above ground and power is greater than 1640 W EIRP (PCS) or 3280 W EIRP[2] (AWS). The design antenna height is ten meters above ground. The RF amplifiers at the node are capable of a total of 40 W, which, if combined losslessly and emitted on the 10 dBi gain antenna[3], would run a total of about 400 W EIRP.

Based on the system design specifications, the power threshold and the height threshold satisfy the exemption from routine evaluation and no further analysis would normally be required.

Nodes Described

A question has been raised by concerned parties about the compliance of the nodes' emissions with 47 CFR 1.307(b). To verify field conditions, Isotrope obtained the operating parameters of the individual nodes in question and made a site survey of each of the three nodes. The three node locations are listed in the table below. The coordinates are based on field evaluation to identify the general location and are not survey grade coordinates.

The elevation of the bottom of each antenna canister was measured from the ground using a laser tape measure. The values are shown in the second-to-last column of the table below. To evaluate against the FCC Table 1 criteria, the last column has the measurements converted and rounded to the nearest whole meter.

---

[2] "W" is the initialism for watts, which is a unit of power. "EIRP" is the initialism for effective isotropic radiated power, which establishes a reference to which any antenna can be compared.
[3] Antennas, like the lens of a lighthouse, tend to focus energy horizontally for best efficiency. The gain of an antenna indicates how much the horizontal focusing effect the antenna has.

Node	Latitude	Longitude	Streets	Position	Measured Height	Height Rounded to Whole Meters
PLH001	40.913356	-73.804067	Harmon Ave near Young Ave	NW corner	31'10"	10
PLH002	40.902209	-73.810003	Colonial Ave at Pelhamdale Ave	NE corner	31'10"	10
PLH003	40.906494	-73.806026	E 2nd St at Cliff Ave	NE corner	37' 1"	11

Table A – Pelham Node Information

Routine Evaluation:

Field Measurement of Exposure At Ground Level

Field measurements with a broadband instrument were made to evaluate the ambient RF power density fields in the vicinity of each node. The instrument is a Narda 8718 meter with 8722D conformal probe. The instrument displays the combined power density of all radio frequency energy from 300 kHz to 40 GHz, and compensates for the varying exposure thresholds at each frequency. The instrument readout is in percent of the occupational exposure threshold. To simplify interpretation of this report, all reported readings have been adjusted by a factor of five to indicate the percentage of the applicable general population exposure limit in this case.

Measurements were taken at the base of each node, and in a general area sweep of the sidewalk and street within 50 to 100 feet of the node. The instrument has a reported dynamic range of 30 dB, extending from 1500% to 1.5% of the general population threshold. In practice, there is mild variation in the instrument noise floor such that, in our experience, any measurements below about 5% of the general population threshold are likely instrument noise or affected by instrument noise. Readings taken on the sweeps around all three nodes never exceeded 4%, and were typically less than 2.5%. Since these are at the bottom of the instrument's sensitivity, it is likely these figures do not represent actual power density results. To verify this, separate measurements of the actual emitted signals were performed.

When such an instrument does not indicate the presence of RF power density above its noise floor, the instrument is confirming that the ambient RF power density from all sources is compliant with the safety limits. By analogy, a camera might not be able to distinguish dark objects at night, while the human eye may still be able to. The camera cannot tell how much light there is, but it certainly confirms there is not enough light to take a picture. In this situation, while the instrument does not provide an actual measurement of the ambient RF environment, the lack of a measurement is still a positive indication of compliance.

Routine Evaluation:

Signal-specific Measurements

The operation of the nodes was confirmed through the use of a spectrum analyzer tuned to scan the relevant frequency spectrum. Active signals were observed at each node location. As is typical of wireless facilities, during quiescent times, only a single signal per service may be active, and as user traffic increases, additional signals may turn on. The nodes are equipped to handle a total of six separate RF signals at one time (four at PCS and two at AWS).

The actual ground level power density of one RF signal was measured with a reference antenna and the spectrum analyzer. These measurements were conducted at all three node locations and included area from the base of the pole to a radius of up to 50 feet.

Using appropriate conversion factors, the highest spectrum analyzer reading among the three sites represented a power density of less than 0.01% of the general population threshold. This is substantially lower than the sensitivity of the broadband instrument described above, confirming that the ambient levels are well below the sensitivity of the broadband instrument described in the previous section.

The power assigned to the wireless signal selected for measurement is $1/8^{th}$ of the total available transmission power of the nodes. Therefore, based on the maximum reading found among the three sites, and multiplying by 8 to account for times when all signals are on simultaneously, each node may be capable of reaching 0.08% of the general population

threshold on the ground in the vicinity of that node. Note we are employing the highest single spot-reading obtained. For the most part, the readings on the spectrum analyzer were 10 to 20 dB lower, or, in other words, showing typical values ranging from 0.008% to 0.0008% of the general population limit when all six channels are active on a node.

Routine Evaluation:

Exposure Estimated by Calculation

Finally, calculations following the predictive methods employed in FCC Office of Engineering and Technology Bulletin 65 ("OET Bulletin 65") were performed. Each node has two 20 watt amplifiers. The 20 watts of one amplifier are divided among four PCS channels. The 20 watts of the other amplifier are divided between two AWS channels. The maximum output power of the node electronics is therefore 40 watts with all six channels activated.

Assuming there are no line losses, resulting in a 40 watt antenna input power, the antenna has a maximum gain of 9.7 dBi (on the horizontal plane). The antenna is quasi omnidirectional, meaning that it emits energy in all directions of the compass with minor variations due to the design of the antenna. As with any high gain antenna in such situations, the node antenna focuses energy horizontally, and with much less energy emitted toward the nearby ground.

The practice in performing a first approximation of potential exposure is to employ the maximum EIRP on the main lobe. In the frequency band of interest, the general population exposure limit contained in 47 CFR 1.1310 is 1 mW/cm^2 (milliwatt per square centimeter). Employing equation (7) of OET Bulletin 65, which includes a conservative surface reflection factor, one can solve for the distance at which the node antenna is capable of reaching the general population threshold.

Applying the power, gain and threshold values described above to FCC equation (7), the minimum approach distance to the node antenna for a member of the general population would be 9.0 feet. This is an extreme case calculation that errs on the side of overstating the

distance because it assumes reinforcement of the ambient field with surface reflections, assumes there are no additional inefficiencies between the amplifiers and the antenna inputs, assumes all six signals are operating continuously for 30 minutes or more, and assumes a member of the general population is able to approach the antenna on the horizontal plane[4].

Residences Are Significantly Removed from the Nodes

Below is a table showing the distance to the nearest house from each node. In most cases it appears that the antennas are above the height of the residences (e.g. a 2 story building might be about 25 feet high to its roof peak). In one case, described in the table note below, a house appears to have its second floor in the horizontal plane of the antenna. This house is nearly ten times the minimum-required 9-foot distance from the antenna, resulting in an expected maximum-case field of approximately 1% of the general population threshold on the outside surface of the residence.

Node	Nearest House Distance	Antenna above habitable Space?	Streets	Position	Antenna Height
PLH001	30 ft	Yes*	Harmon Ave near Young Ave	NW corner	10 m
PLH002	45 ft	Yes	Colonial Ave at Pelhamdale Ave	NE corner	10 m
PLH003	57 ft	Yes	E 2nd St at Cliff Avenue	NE corner	11 m

*Note: Across the street is a residence uphill from the node. It appears the antenna is horizontal to the second floor of the residence. Its distance from the antenna is about 80 feet.

Table B - Distances to Nearest Houses to Nodes

[4] Using the antenna pattern to calculate a more refined second approximation, a member of the general population can be a foot below the base of the antenna without exceeding the threshold. Of course, this is as improbable as that same individual approaching the antenna horizontally within 9 feet.

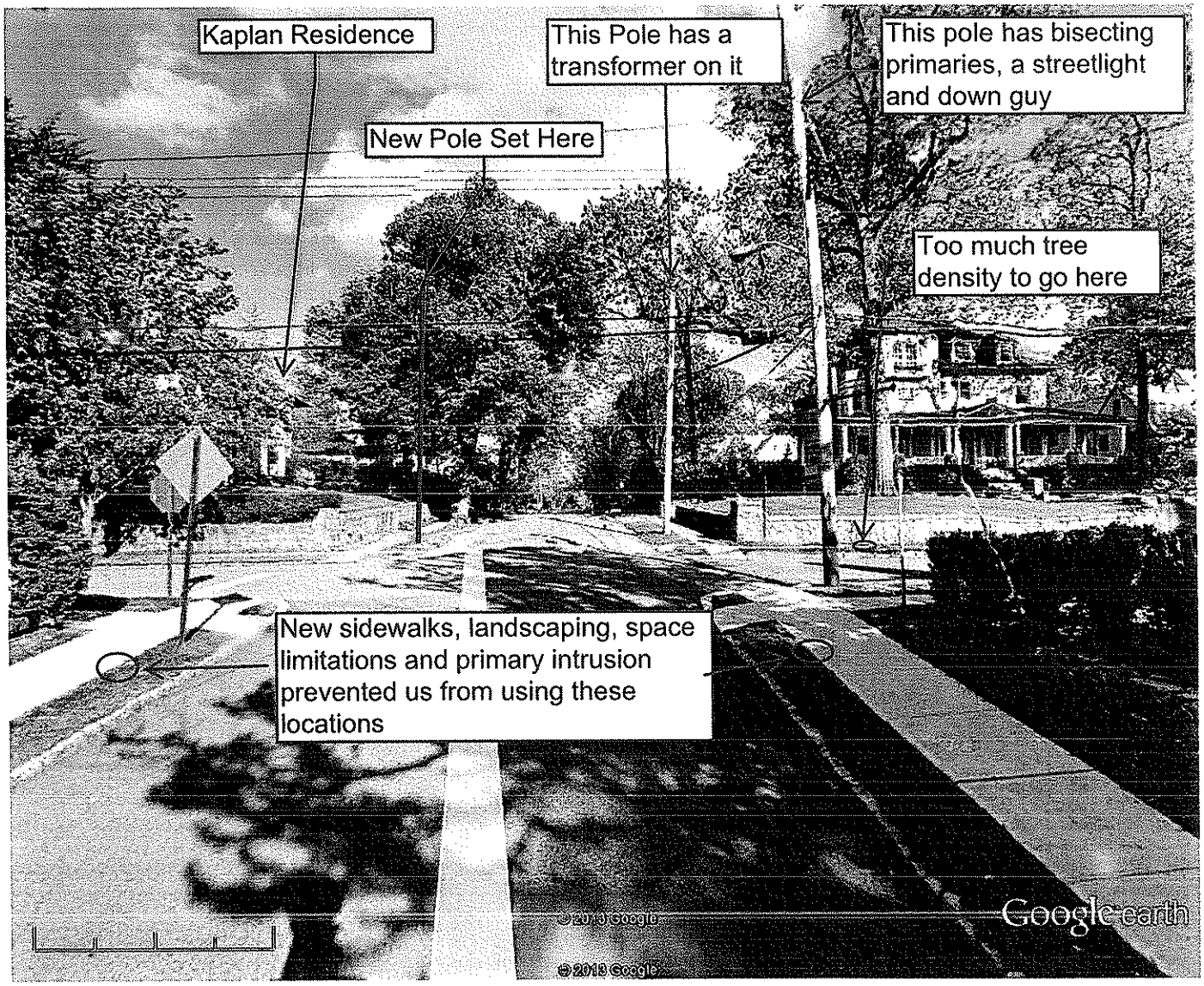
Conclusion

According to the calculations and the field survey of the three Pelham DAS nodes, the nodes are fully compliant with FCC requirements regarding exposure of the general population to radio frequency energy. The system design criteria place the antennas clearly within the exemption from routine evaluation codified in Table 1 of 47 CFR 1.1307(b).

This report was prepared by, and the field survey conducted by, David Maxson, WCP.

David P. Maxson, WCP
FCC General Radiotelephone Operator License No. PG-1-12726

EXHIBIT 7


Kaplan Residence
This Pole has a transformer on it
This pole has bisecting primaries, a streetlight and down guy
New Pole Set Here
Too much tree density to go here
New sidewalks, landscaping, space limitations and primary intrusion prevented us from using these locations
© 2013 Google
Google earth
© 2013 Google
Google earth
feet
meters
8
2

APPENDIX A

Right-of-Way Agreement

between

THE VILLAGE OF PELHAM, NEW YORK

and

ExteNet Systems, Inc.

Dated and Effective as of

September 30, 2013

Telecommunications Attachment and Rights-Of-Way Agreement

The **Village of Pelham,** a municipal corporation established and existing under the laws of the State of New York having an address at 195 Sparks Avenue, Pelham , New York 10803 (the "VILLAGE"), and **ExteNet Systems, Inc.** ("ExteNet"), a Delaware corporation having an address at 3030 Warrenville Road, Suite 340 Lisle, Illinois 60532, hereby enter into this Telecommunications Attachment and Rights-of-Way Agreement (this "Agreement") effective as of September 30, 2013, (the "Effective Date"). The VILLAGE and ExteNet, together, are hereinafter referred to as the "Parties," and individually as a "Party."

Recitals

WHEREAS ExteNet asserts that it: (i) is qualified to do business in the State of New York; (ii) is organized under the Transportation Corporation Law of the State of New York as a "telephone corporation"; and (iii) holds a certificate of public convenience and necessity issued by the New York Public Service Commission and as a provider of telecommunications services with authority to operate throughout the State of New York has certain rights and privileges to place telecommunications facilities in, over and under public rights of way, including those along roads, streets and highways; and

WHEREAS ExteNet proposes to construct, install, own, operate and maintain a distributed antenna system telecommunications network, or other similar telecommunications network, within the VILLAGE, such network to consist of wireline and other telecommunications facilities, including but not limited to fiber optic cabling and remote communications nodes consisting of antennas, radio amplifiers, signal converters, power supplies and meters, enclosures and ancillary cabling, connectors and equipment, in certain of the public rights of way within the VILLAGE; and

WHEREAS ExteNet proposes to install three wireless telecommunication facilities on two existing monopoles and one on a new pole set to be installed within the Village of Pelham and from time to time, subject to VILLAGE approval and compliance with VILLAGE Code provisions, install additional facilities in the public rights-of-way; and

WHEREAS the jurisdictional boundaries of the VILLAGE include public rights-of-way and facilities that are used by authorized telecommunications providers; and

WHEREAS it is necessary for EXTENET to make use of the public right-of-way within the VILLAGE in order to accomplish the proposed installation provided for in the application; and

WHEREAS the VILLAGE has all lawful authority to enter into this Agreement; and

WHEREAS the VILLAGE is authorized by state statutes, regulations and orders to recover just and reasonable costs for administering authorized telecommunications providers'

access to the public rights-of-way within the VILLAGE's jurisdictional boundaries and to charge rentals for use of the VILLAGE Facilities (as defined below); and

WHEREAS, the Board of Trustees has duly approved this Agreement and authorized the Village Administrator to execute this Agreement on behalf of the VILLAGE.

Agreement

NOW THEREFORE, in consideration of the promises and mutual covenants herein contained, the VILLAGE and ExteNet, for valuable consideration, the receipt and sufficiency of which are hereby acknowledged, hereby agree as follows:

1. Definitions

Except as the context may otherwise require, each capitalized word or phrase in this Agreement shall have the meaning specified herein. All other terms in this Agreement shall be interpreted in accord with common usage in the telecommunications industry. Without limiting the generality of the foregoing, for purposes of this Agreement, the terms listed below are defined as follows:

1.1. "**Attachment**" means the placement, attachment or installation of one or more items of Equipment on, over, under or within the ROW or any VILLAGE Facility.

1.2. "**Village Board**" means the Board of Trustees of the VILLAGE.

1.3. "**Commission**" or "**PSC**" means the New York Public Service Commission.

1.4. "**DAS**" means distributed antenna system.

1.5. "**Equipment**" means any and all radios, amplifiers, optical converters, multiplexers, antennas, Nodes, cables, wires, fiber optic cable, conduits, innerducts, pedestals, boxes, cabinets, primary and auxiliary power supplies, power meters, support structures, mounting hardware, and all related or ancillary devices installed, operated or used by ExteNet to provide Service.

1.6. "**ExteNet**" means ExteNet Systems, Inc.

1.7. "**Fee**" means any one-time or recurring amount to be paid by ExteNet pursuant to this Agreement. Without limiting the generality of the foregoing. "Attachment Fees" means Fees paid in consideration of Attachments to Facilities, and "ROW Fees" means Fees paid to cover the reasonable costs for the VILLAGE to administer access to its ROW.

1.8. "**Facility**" or "**Facilities**" means any VILLAGE-owned or leased structure upon or within which the VILLAGE may at its discretion permit the placement of

Equipment, including, but not limited to any VILLAGE-owned streetlights or fixtures, traffic signal poles, or conduit in the ROW.

1.9. "**Network**" means the distributed antenna system telecommunications network, or other similar telecommunications network, consisting of wireline and other telecommunications facilities, including but not limited to fiber optic cabling and Nodes, that ExteNet proposes to install, operate and maintain in certain of the public rights of way within the VILLAGE as is generally described in greater detail in ExteNet's Submission to the VILLAGE.

1.10. "**Node**" means a remote communications node, which may include antennas, radio amplifiers, radio frequency and optical signal converters, power supplies and meters, monitoring devices, enclosures and ancillary cabling, connectors and equipment comprising a part of ExteNet's Network mounted aerially by attachment to certain structures in the public rights of way in the VILLAGE as is generally described in greater detail in Exhibit 1.

1.11. "**Node Poles**" means the Utility Infrastructure or Facilities to which ExteNet proposes to attach a Node, as illustrated in Exhibit 1.

1.12. "**Required Permits**" means all construction, encroachment and similar permits and administrative approvals required under applicable provisions of the VILLAGE Code, ordinances and administrative rules in connection with the construction, maintenance and removal of the Network or any portions thereof.

1.13. "**Restore**" means returning a VILLAGE Facility or ROW to the condition it was in prior to Attachment, excepting reasonable wear and tear.

1.14. "**Restore**" means returning a VILLAGE Facility or ROW to the condition it was in prior to Attachment, excepting reasonable wear and tear.

1.15. "**Rights-of-Way**" or "**ROW**" means the public ways and other areas now or hereafter existing that are owned by or otherwise subject to the jurisdiction and control of the VILLAGE, including without limitation, all space in, upon, above, along, across, under, and over any or all of the following: highways, streets, roads, lanes, courts, ways, alleys, boulevards, paths, curbs, sidewalks, bridges, overpasses, underpasses, tunnels, parks, parkways, waterways, easements, conduit, vaults, access manholes and "handholes."

1.16. "**Service**" means the transport, transmission and reception of signals carrying voice and data communications, including but not limited to format and/or protocol conversion and point-to-point transport of signals over fiber optic cables and other wireline connections as described in ExteNet's Tariff No. 1 filed with the PSC on or about February 8, 2006, as the same may be amended from time to time hereafter, or other telecommunications services ExteNet is permitted to provide by the PSC.

1.17. "**Submission**" means the Network proposal and materials in support thereof that has been or will be submitted by ExteNet to the VILLAGE, as the same may be revised from time to time by written notice or superseding submissions.

1.18. "**Utility Infrastructure**" means existing poles, streetlights and/or conduits or other utility infrastructure owned or controlled by public or private utility companies that are located in the ROW.

2. Grant of Access and Occupancy Rights

2.1 Attachments to Utility Infrastructure and other Third Party Property. Subject to ExteNet's compliance with Section 5.4 herein ("Compliance with Law") and ExteNet's obtaining all required utility licenses, utility easements or other suitable form of written permission of the owner(s) of the affected property in accordance with this Section 2.1, the VILLAGE hereby authorizes and permits ExteNet to enter upon the ROW and to attach, install, operate, maintain, remove, reattach, reinstall, relocate, and replace Equipment for one (1) Node per Node Pole in or on Utility Infrastructure or other structures lawfully owned and operated by public utility companies or other property owners and located within or adjacent to the ROW. ExteNet shall furnish to the VILLAGE documentation in a form reasonably acceptable to the VILLAGE of such permission from the individual utility or property owner upon request. The VILLAGE hereby authorizes and permits ExteNet to enter upon the ROW to install new Utility Infrastructure in the form of one (1) utility pole subject to the same terms and conditions applicable to other Utilities placing Utility Infrastructure in the ROW and to attach, install, operate, maintain, remove, reattach, reinstall, relocate, and replace Equipment on such newly placed Utility Infrastructure.

2.2 Approval of Equipment Design, Configurations and Attachments. ExteNet has or will submit to the VILLAGE its proposed design for the Network including specifications for the Equipment that ExteNet proposes to install and use in the ROW consistent with any permit granted by the Village Board ("Submission"). Such Submission includes or will include a map and identify which Utility Infrastructure or Facilities ExteNet seeks to use for Attachments. Subject to Section 5.4 herein ("Compliance with Law") and confirmation that the Equipment configurations and locations set forth in Exhibit 1 are in conformity with the detailed information in the Submission, the VILLAGE covenants in good faith to process all applications for Required Permits in accordance with the applicable Codes sections, ordinances and administrative rules in a timely manner. The VILLAGE has or will review the Submission and to the extent that the VILLAGE finds any portion of the Submission or the Network as described therein to be reasonably unacceptable or deficient in any material respect, it will provide in writing reasons for its rejection of such portion of the Submission or Network to ExteNet and will allow ExteNet to file a new or amended Submission with respect thereto. Minor changes in the Network that become necessary or desirable in

connection with the issuance of the Required Permits shall not be considered a rejection of a material portion of the Submission or Network and shall result in only such additional Submissions or amendment as are required by the VILLAGE to be filed with the Village Administrator in connection with such Required Permits.

2.3 Change in Equipment or Attachment Locations. If ExteNet proposes an Attachment or installation of Equipment that differs in any material way from the Equipment configurations and/or locations as set forth in Exhibit 1 attached hereto and in the Submission, then ExteNet shall first obtain the written approval for the use and installation of the Equipment and/or the proposed location change from the Village Administrator in consultation with the Board of Trustees.

2.4 Equipment Attachments to Village Facilities. The VILLAGE hereby grants to ExteNet the nonexclusive right, privilege, and license to enter and occupy the ROW for purposes of, and/or in connection with, Attachments to Village Facilities, only as and to the extent that the VILLAGE, acting through its authorized representatives, in its sole discretion has granted ExteNet Attachment rights or licenses with respect to specified VILLAGE Facilities.

2.5 Structural Integrity of Facilities. If ExteNet selects a Facility that is structurally inadequate to accommodate Equipment or which cannot provide adequate service, ExteNet may at its sole cost and expense replace the Facility with one that is acceptable to and approved by the VILLAGE and assign all rights in such Facility to the VILLAGE or other such public utility (e.g. local electric distribution utility) as appropriate.

2.6 Assignment of Cost. Except as otherwise provided in this Agreement, ExteNet shall bear the entire cost and expense of all placement, installation, construction, maintenance, and operation of Equipment and/or Attachments by ExteNet in the Rights-of-Way, and shall hold the VILLAGE harmless from any such costs or expense.

2.7 Power for Equipment and Facilities. ExteNet will be solely responsible for establishing electrical power services for all of its Equipment that requires power and for the payment of all electrical utility charges to the applicable utility company. Notwithstanding this provision, the VILLAGE and ExteNet may mutually agree in writing that ExteNet may power its Equipment Attachments to Facilities from a power source available at or associated with the relevant VILLAGE Facilities and to pay the actual costs for same.

2.8 Additional Future Attachments. ExteNet must apply to the VILLAGE to expand its Network installation beyond what is specified in this Agreement. Such expanded Network installation(s) will be subject to the terms and conditions of this Agreement.

3. Term

3.1 Initial Term and Initial Renewal. Unless otherwise agreed or earlier terminated in accordance with the express terms of this Agreement, the term of this Agreement shall commence on the Effective Date and continue thereafter for an initial period ending on the five year anniversary of the Effective Date (the "Initial Term"). This Agreement shall be renewed automatically for an additional five year term (the "Initial Renewal Term"), conditioned on ExteNet's compliance with all terms of this Agreement. In the event the VILLAGE desires to terminate this Agreement as permitted herein due to ExteNet's failure to comply with the terms of this Agreement (subject to applicable cure periods) during the Initial Term, the VILLAGE shall give ExteNet ninety (90) day's Notice in writing of such termination.

3.2 Subsequent Renewals. Beyond the Initial Term and the Initial Renewal Term, and conditioned on ExteNet's compliance with all terms of this Agreement, this Agreement shall automatically renew for subsequent five year terms unless either party terminates the Agreement upon 180 days notice prior to the expiration of any such renewal term.

3.3 No Limitation on Termination Provisions. No provision contained within Sections 3.1 and .3.2 shall be construed as limiting the rights granted to the Parties under Sections 12.1 and 12.2 of this Agreement.

4. Fees

4.1. ROW Administration Fees. ExteNet shall pay ROW Administration Fees to cover the VILLAGE's reasonable and justifiable cost of general administration of ExteNet's access to and occupancy of the ROW. Such fees shall be in addition to and not in lieu of fees for Attachments of ExteNet Node Equipment within, over or under the ROW, including such Attachments to Utility Infrastructure. Such ROW Administration Fees are set forth in Exhibit 2 attached.

4.2. Attachment Fees. ExteNet shall pay Attachment Fees to the VILLAGE for each VILLAGE-owned or leased Facility and for each item of Utility Infrastructure to which a Node Attachment is made as set forth in Exhibit 2 attached. Such Attachment Fees shall increase with the number of telecommunications carriers contracting with ExteNet for use of the Node Attachment, as set forth in Exhibit 2 attached. On or before October 1st of each year, ExteNet will certify to the VILLAGE the number of carriers on each Node Pole. ExteNet will pay a stipulated penalty of $50,000 with respect to any such certification that is false.

4.3. Other Fees. The foregoing Fees are in addition to and not in lieu of any other administrative fees and charges imposed by the VILLAGE or voluntarily paid by ExteNet, including but not limited to standard fees imposed in connection with

applications for Required Permits, reimbursement of VILLAGE consultant fees not to exceed (i) $10,000 in the aggregate actually and reasonably incurred in connection with the VILLAGE's review of ExteNet's Submissions, and (ii) reasonable legal fees and costs for outside counsel incurred by the VILLAGE in connection with the negotiation and documentation of this Agreement and any related agreements or instruments.

4.4. Reserved.

4.5. Payment Terms. Except as otherwise provided for in Exhibit 2, all non-recurring Fees payable pursuant to this Section 4 of which ExteNet has been notified in writing shall be paid on or before the expiration of 30 days following the approval and execution of this Agreement by the parties hereto. Recurring Fees shall be paid annually on the 31st day of October.

5. Network Construction

5.1. VILLAGE Approval. Subject to Section 5.4 herein ("Compliance with Law"), prior to commencing construction, ExteNet shall identify to the VILLAGE Administrator those locations within the ROW that ExteNet needs to access and/or occupy. Further, ExteNet shall specify the VILLAGE Facilities, if any, upon which ExteNet seeks to make Attachments. ExteNet shall provide maps, annotated aerial photographs or drawings, and any other materials reasonably requested, in the standard formats and quantities required by the VILLAGE Administrator showing such ROW locations and identifying any Facilities ExteNet seeks to use for Attachments. The VILLAGE Administrator will arrange for the review of the submitted materials and determine whether appropriate documentation and support has been provided to the VILLAGE so as to allow the issuance of the Required Permits. The VILLAGE Administrator will also arrange to confirm those VILLAGE Facilities, if any, to which ExteNet will be allowed to make Attachments.

5.2. Avoidance of Interference. ExteNet represents and warrants that the placement, installation, construction, maintenance, operation and removal of Equipment installed in the ROW and its Attachments to VILLAGE Facilities shall be carried out in such locations and in such manner so as not to interfere with water, gas, sewer pipe, traffic signal, radio, television and other microwave or similar signals, street light and other utilities, including other existing telecommunications providers, and conduits already existing.

5.3. RF Emissions. ExteNet agrees to install and maintain power on/off switches to all antenna Attachments and to permit VILLAGE and other authorized workers on Facilities to power down Node Attachments for as long as is reasonably necessary in order to perform work on poles to which antenna Attachments are made. Except in the case of an emergency or other imminent need, as determined by the VILLAGE, VILLAGE workers shall provide twenty-four (24) hours

advance notice of a need to power down any Node Attachment by calling the ExteNet network operations center at 866-892-5327 ("NOC Number"). ExteNet shall provide the VILLAGE advance written notice if the NOC Number changes. The VILLAGE shall have no obligation to provide advance notice under this section if the NOC Number is not operational.

5.4. Permits. ExteNet further agrees to obtain all Required Permits in accordance with the provisions of applicable VILLAGE Code provisions, ordinances and administrative rules, including but not limited to those setting forth time, place and manner restrictions necessary to protect the health, safety and welfare of the public, prior to commencing construction required for Equipment Attachments in the ROW on Utility Infrastructure or on VILLAGE Facilities.

5.5. Compliance with Law. When placing, installing, constructing, maintaining, operating, removing or relocating Equipment in the Rights-of-Way, or making Attachments to VILLAGE Facilities, ExteNet represents and warrants that it shall comply with all applicable federal and state statutes, regulations and orders, including but not limited to the New York State Environmental Quality Review Act, all applicable provisions of the VILLAGE Code, and all applicable provisions of any state Commission or legislative construction standards, the National Electric Code (NEC) and/or National Electric Safety Code (NESC). ExteNet shall also comply with all applicable national, state and local building, electrical and safety codes.

5.6. Restoration. If the placement, installation, construction, maintenance, operation, removal or relocation of Equipment by ExteNet unreasonably disturbs or alters any portions of the Rights-of-Way or any VILLAGE Facilities, in VILLAGE'S reasonable discretion, ExteNet, at its own expense shall Restore such portions of the Rights-of-Way and such VILLAGE Facilities as such disturbance occurs.

6. Maintenance

6.1. Proper Maintenance. ExteNet shall maintain its Equipment and poles located in the Rights-of-Way and its Attachments to VILLAGE Facilities in good repair according to best applicable industry practices and, in accordance with all applicable local, state and federal safety standards and in such condition that they shall not constitute a danger to the health, safety and welfare of the public.

6.2. Right of Entry. ExteNet may enter upon the Rights-of-Way and VILLAGE Facilities to conduct routine maintenance or repair of aerial Attachments made to poles from time to time without prior approval of the VILLAGE, provided ExteNet does not disturb or block pedestrian or vehicular traffic in the Rights-of-Way. Otherwise, and in the case of access to Facilities other than poles, including but not limited to conduit, manholes and handholes, ExteNet shall obtain all Required Permits or such other advance authority as required by the VILLAGE.

6.3. Removal or Replacement of Equipment. All ExteNet Equipment must be removed, and all ROW Restored, within sixty (60) days following termination of this Agreement or the termination of the use of the Equipment, whichever shall come first. ExteNet also may remove or replace any items of Equipment as reasonably required in connection with the ongoing provision of Services without prior approval of the VILLAGE, so long as any replacement Equipment is substantially the same as that which has been removed with regard to size, weight and physical configuration and does not block pedestrian or vehicular traffic in the Rights-of-Way. Removal of Equipment from any Rights of Way or Attachment shall not constitute termination of this Agreement or relieve ExteNet of applicable Fees theretofore paid or accrued and payable with respect to removed Equipment as of the date of removal.

6.4. Permits. In the event maintenance or repair activities will disturb or block pedestrian or vehicular traffic in the Rights-of-Way, ExteNet shall obtain all Required Permits prior to commencing such maintenance or repair.

6.5. ExteNet Project Manager. ExteNet shall designate, provide to, and keep current with, the VILLAGE the name of one or more "Project Managers," who shall be responsible for representing ExteNet and authorized to act on its behalf in connection with the work performed under this Agreement and who can be contacted by the VILLAGE for normal or emergency issues arising therefrom. ExteNet shall provide to the VILLAGE upon execution of the Agreement the Project Manager(s)'s name, address, title, telephone number, facsimile number, and email address. In the event a Project Manager is no longer an ExteNet employee or no longer has the responsibilities of Project Manager under this Agreement, ExteNet shall notify Village within five (5) days of the new designated Project Manager. To the extent engineering, construction or any other work performed in the VILLAGE pursuant to this Agreement is handled by contractors or other agents of ExteNet, the Project Manager shall provide and keep current with the VILLAGE a complete list of the name, address, title, telephone number, facsimile number, and email address of said contractors. In the event that the designated Project Manager does not have his/her place of business within 90 miles of the geographic boundaries of the Village, ExteNet shall, in addition to designating at least one (1) Project Manager, designate an Agent, who shall be available for immediate contact in the event the designated Project Manager(s) cannot be immediately available to respond to emergencies or other issues that require immediate action. In the event ExteNet designates an Agent, the Agent can be designated as such through contract, and need not be an ExteNet employee.

7. Relocation and Removal of Equipment

7.1. Notice. The VILLAGE may require relocation or removal of ExteNet's Equipment as and to the extent necessary for reasons of public safety or for the

prevention or elimination of interference with the delivery of public services or disruption or impediments to the use of public ways or otherwise necessitated by construction, repair, maintenance, relocation or elimination of any portion of the ROW. Such relocation or removal shall be initiated by the VILLAGE delivering written notice to ExteNet identifying the need and basis for such relocation or removal and designating alternative Rights-of-Way and/or VILLAGE Facilities, if any, to which ExteNet may relocate its Equipment. Provided, however, that in the case of an emergency, as determined by the VILLAGE, ExteNet may be required to relocate or remove its Equipment without written notice.

7.2. Timeframe. After receiving notice of the need to relocate or remove Equipment, ExteNet shall relocate its Equipment to designated alternative portions of the Rights-of-Way and/or to available Facilities identified by the VILLAGE, or in the case of a request for removal, remove the Equipment, as soon as practicable, but in no event sooner than ninety (90) days after receipt of such notice or the date generally imposed on other utilities in the same locations, whichever is later. ExteNet and the VILLAGE may mutually agree to relocation of Equipment in less than ninety (90) days to respond to emergencies or other similar extraordinary circumstances.

7.3. Cost of Relocation or Removal. In the event relocation or removal of Equipment is necessitated by construction, repair, maintenance, relocation or elimination of any portions of the Rights-of-Way, ExteNet shall be required to relocate or remove its Equipment at its sole cost. In the event that the VILLAGE or the State of NEW YORK enacts an ordinance, law or regulation requiring that all aerial (e.g., pole-mounted) wires and cables in some or all of the geographic area of the VILLAGE be relocated to underground installations in the ROW, ExteNet shall be required to comply at its sole cost and expense.

7.4. Relocations at ExteNet's Request. In the event ExteNet desires to relocate any Equipment from one VILLAGE Facility to another, ExteNet shall so advise VILLAGE. VILLAGE will use reasonable efforts consistent with the requirements of the Village Code to accommodate ExteNet and may, in its sole discretion, make another Facility available for use in accordance with and subject to the terms and conditions of this Agreement.

8. Indemnification

8.1. Scope of Indemnification. ExteNet shall defend and indemnify and hold the VILLAGE and its trustees, officers and employees, agents, contractors, invitees and consultants harmless from and against any damages, costs, claims or liabilities which they or any of them may sustain, as a result of: any and allliabilities, losses, damages, interests, judgments, liens, settlements, costs and expenses (including without limitation, reasonable counsel fees and disbursements), claims, demands, suits, actions, or proceedings which may be made or brought against them or any of them for or in relation to (i) any alleged

personal injury or property damage allegedly caused by ExteNet, its Equipment or any of its subsidiaries, agents, affiliates, employees, invitees, contractors, subcontractors and consultants or by the Network, and (ii) any activities or work performed or carried on in connection with this Agreement.

8.2. Notice. Any party seeking indemnification hereunder ("Indemnitee") shall notify ExteNet within thirty (30) days upon learning of the nature and amount of a claim arising under this Section, and the method and means proposed by the Indemnitee for defending or satisfying such claim.

8.3. Representation. ExteNet shall pay for all costs and expenses, including reasonable legal fees and litigation expenses, of defense for Indemnitee in any claims or actions subject to indemnification hereunder. The Indemnitee shall cooperate and consult with ExteNet respecting the defense and satisfaction of such claims, including the selection of and direction to legal counsel, and the Indemnitee shall not pay or settle any such claim without the prior written consent of ExteNet, which consent shall not be unreasonably withheld.

8.4. Breach of Agreement. In the event that any claim, complaint or litigation is brought by either party to this Agreement against the other for breach of this Agreement, or for an interpretation of this Agreement, each party shall bear its own costs, including legal fees and expenses.

8.5. Excluded Damages. In no event shall either party be liable to the other for any punitive, consequential, incidental, or special damages or lost profits incurred, or alleged to have been incurred, except to the extent that ExteNet is required to indemnify the VILLAGE, its directors, officers and employees, agents, contractors, invitees and consultants.

8.6. Equipment Maintenance/Damage/Loss. VILLAGE shall not be responsible for any maintenance of the Equipment, nor is it responsible for any damage occurring to the Equipment, or loss of Equipment while located in the ROW unless caused by the negligent act or willful misconduct of VILLAGE or its contractors or agents.

9. Insurance

9.1. General Liability Insurance. Before commencing any work pursuant hereto and continuing thereafter, ExteNet shall maintain and keep in effect commercial general liability insurance together with an endorsement for public liability insurance with a combined single limit with respect to each occurrence of not less than $2,000,000, including umbrella coverage in the amount of $15,000,000, insuring against loss, damage, cost, expense or liability for any damage to any property or injury, illness or death of any person occurring or arising as a result of the work performed under this Agreement or in connection therewith by negligence of ExteNet or any of its subsidiaries, agents, affiliates, employees,

invitees, contractors, subcontractors and consultants;

9.2. Other Insurance. ExteNet shall maintain and keep in effect during the Term of this Agreement worker's compensation insurance and automotive insurance as required by law.

9.3. Proof of Insurance. Before commencing any work under this Agreement, ExteNet will provide the VILLAGE proof of such insurance, (i) naming the VILLAGE as an additional named insured on the declaration page thereof; and providing that the issuer of such policy shall give the VILLAGE at least fifteen (15) days prior written notice before the insurance policies may be cancelled or coverage thereunder materially modified. Such provisions shall be maintained at all times during the term of this Agreement. ExteNet agrees to defend and hold harmless Village from any litigation regarding insurance coverage issues arising out of this Agreement, Any indemnification obligations under this Section 9.3 are in addition to any and all indemnifications enumerated elsewhere in this Agreement.

10. Security

10.1 Removal. ExteNet agrees to provide security for its obligations to remove its Equipment, including upon termination of this Agreement, and to Restore the ROW and the VILLAGE's Facilities in the form of bonds in the amount of at least $25,000 in favor of the VILLAGE and bonds in the amount required by, and in favor of, the owners of the Utility Infrastructure to which Attachments are made as set forth herein. The VILLAGE may require ExteNet to raise the amount of the security under this section if, at any time, the number of Attachments exceeds the number of Attachments estimated by Licensee in its Submission. Prior to making Attachments to specific Utility Infrastructure, ExteNet shall provide the VILLAGE with a written certificate confirming that ExteNet has received the authorization for such Attachments from the relevant utilities and provide copies to the VILLAGE of the applicable bonds indicating the amount of the corresponding bond provided as security for removal of such Attachments and restoration of the ROW and any affected VILLAGE Facilities.

10.2 Surety. (a) Within fourteen (14) days of the Effective Date, at its own expense, ExteNet shall furnish a surety bond (the "Surety Bond") in order to guarantee its payment of any and all sums and liabilities that may become due to VILLAGE for all Fees and other amounts and liabilities required by or concerning this Agreement. The required amount of this Surety Bond shall be an amount not less than Fifty Thousand Dollars ($50,000.00) in the first year of the Agreement, reducing by no more than $10,000 in each subsequent year, but in no event shall such surety bond be less than $20,000.00.

11. Assignment

11.1 Assignment without approval. ExteNet shall have the right to assign this Agreement and all rights and obligations accorded ExteNet to a wholly-owned

subsidiary or a parent entity of ExteNet without the prior written consent of the VILLAGE. In the event ExteNet assigns this Agreement to a subsidiary or parent entity, ExteNet shall provide the VILLAGE with prior written notice of such assignment.

11.2 Assignment requiring approval. ExteNet must obtain the prior written consent of the VILLAGE in order to assign this Agreement, or any right or obligation under this Agreement, to a third party other than a wholly-owned subsidiary or parent entity of ExteNet. Such consent shall not be unreasonably withheld, conditioned or delayed by the VILLAGE.

11.3 No right to sublicense. ExteNet shall have no right to sublicense its rights or responsibilities hereunder without prior written consent of the VILLAGE.

12. Termination

12.1 Termination by ExteNet. ExteNet may terminate this Agreement, at its election and without cause, by providing written notice of termination to the VILLAGE at least ninety (90) days prior to the effective date of such termination, provided, that ExteNet's indemnification, restoration, confidentiality and other such obligations under Sections 8, 10 and 16 hereof shall survive any termination hereof. In the event that ExteNet exercises this right, it will pay the VILLAGE an amount equal to one year's fees under this Agreement.

12.2 Termination by either party. Either the VILLAGE or ExteNet may terminate this Agreement for an uncured material breach by the other party. The party asserting a breach must first provide written notice of the existence of a material breach to the breaching party. Such notice shall state the grounds for termination in reasonable detail. The party receiving notice of termination for cause shall have ninety (90) days (thirty (30) days in the event of a default under an obligation to pay money) to cure, or commence and vigorously pursue good faith efforts to cure the alleged material breach.

13. Notices

13.1 Service of Notice. All notices required or permitted to be given to either party by the other party under any provisions of this Agreement shall be in writing. Notice shall be deemed served when delivered by hand or sent by a nationally recognized overnight courier service to the other party's address set forth below during normal business hours. If a Notice is mailed, service is deemed complete upon the earlier of actual delivery or the close of business on the third business day following the date when the Notice is placed in a receptacle regularly maintained by the U.S. Postal Service addressed to the party at the address set forth below with postage pre-paid.

13.2 Notice shall be given to the following:

the VILLAGE:

Village of Pelham
195 Sparks Avenue
Pelham , NY 10803
Attn: Village Administrator

ExteNet:

ExteNet Systems, Inc.
3030 Warrenville Rd, Ste 340
Lisle, IL 60532
Fax: 630-577-1332
Attn: Mr. Daniel Timm, CFO

with a copy to:
Mr. George A. Vinyard, General Counsel at the same address.

Or to such other addresses and persons as the VILLAGE or ExteNet may hereafter designate in a notice given in accordance with this Section 13.

14. Validity and Construction of Agreement

14.1 Counterpart Execution. This Agreement may be executed in any number of counterparts, each of which when executed and delivered shall be deemed an original, all of which together shall constitute the same instrument. Execution and delivery may be accomplished by facsimile or other electronic means, followed by delivery of paper copies with original pen and ink signatures.

14.2 Severability. If one or more of the provisions in this Agreement are held by an agency or court of competent jurisdiction, in a final, non-appealable order, to be invalid, void, voidable, unenforceable or illegal, such provision shall be deemed severable from the remaining provisions of this Agreement. Such invalid, void, voidable, unenforceable or illegal provision shall not affect the remaining provisions of this Agreement so long as the material purposes of this Agreement can be determined and effected.

14.3 Entire Agreement. This Agreement states the entire agreement between the parties and supersedes all prior agreements and understandings, whether oral or written, between the parties with respect to the subject matter hereof, and may not be amended or modified except by a written instrument executed by the parties hereto. This Agreement contains the entire understanding of the parties with respect to the subject matter hereof. No waiver of any right or remedy

hereunder shall be effective unless and until set forth in a writing delivered to the other party, and a waiver, forbearance or other failure to enforce any right or remedy on any given occasion or under any specified circumstance shall not be construed as, or have the effect of, a waiver of such rights or remedies on any other occasion or under any other circumstances. The foregoing notwithstanding, this Agreement does not supersede any of the terms of the special permit granted to ExteNet by the Village Board.

14.4 Amendment. This Agreement may be amended only by the Parties hereto by an entrustment in writing signed by or on behalf of each of the parties hereto.

14.5 Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the State of New York, without reference to its conflicts of laws principles. Venue for all actions arising under this Agreement shall be in the state and federal courts of competent jurisdiction in the State of New York.

15. Force Majeure.

Except for obligations to pay money, no failure by a Party to perform its obligations in accordance with this Agreement shall be deemed a material breach or grounds for termination if such failure to perform occurred as a result of circumstances beyond such Party's reasonable control, as described below. Further, the time for performance of any duties or obligations of the VILLAGE or ExteNet, other than any obligations to make payments hereunder, shall be extended for the period during which performance was delayed or impeded due to causes beyond such Party's control, including but not limited to strikes, lockouts, labor disputes, supply shortages, utility outages, cable dig-up by third party, civil disorders, actions of governmental authorities, actions of civil or military authority, national emergency, insurrection, riots, war, acts of terrorism, acts of God, fire, floods, epidemics, freight embargoes or other causes beyond the reasonable control of the Party required to perform an act, the Party shall be excused from performing that act for a period equal to the period of the preventing circumstance or delay. If ExteNet or the VILLAGE claims the existence of a circumstance preventing performance, the Party claiming the delay shall notify the other Party in writing of that fact within ten (10) days after the beginning of any such circumstance. Economic hardship, misfeasance, or malfeasance of a Party's directors, officers, employees, council, officials or agents shall not be considered as a condition beyond the fault or control of such defaulting Party.

16. Confidentiality

Non-public information provided by either party to this Agreement, including network deployment plans and technical and operational details, shall to the extent allowed by law be kept confidential and used only for purposes related to the performance of this Agreement. Both the VILLAGE and ExteNet shall take reasonable steps to protect confidential information obtained from the other in connection with performance of this Agreement from public disclosure or unauthorized use.

17. **Additional Terms**

None.

IN WITNESS THEREOF, the parties hereby bind themselves legally to the terms and conditions set forth in this Agreement, as evidenced by the signature of their duly authorized representatives.

ExteNet Systems, Inc.

By: Terry Ray

Print Name: Terry Ray

Title: VP External Relations

Village of Pelham

By: Robert A. Yamuder

Printed Name: Robert Yamuder

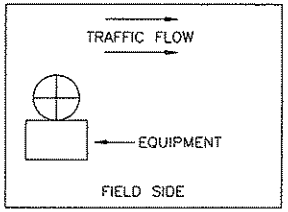
Title: Village Administrator

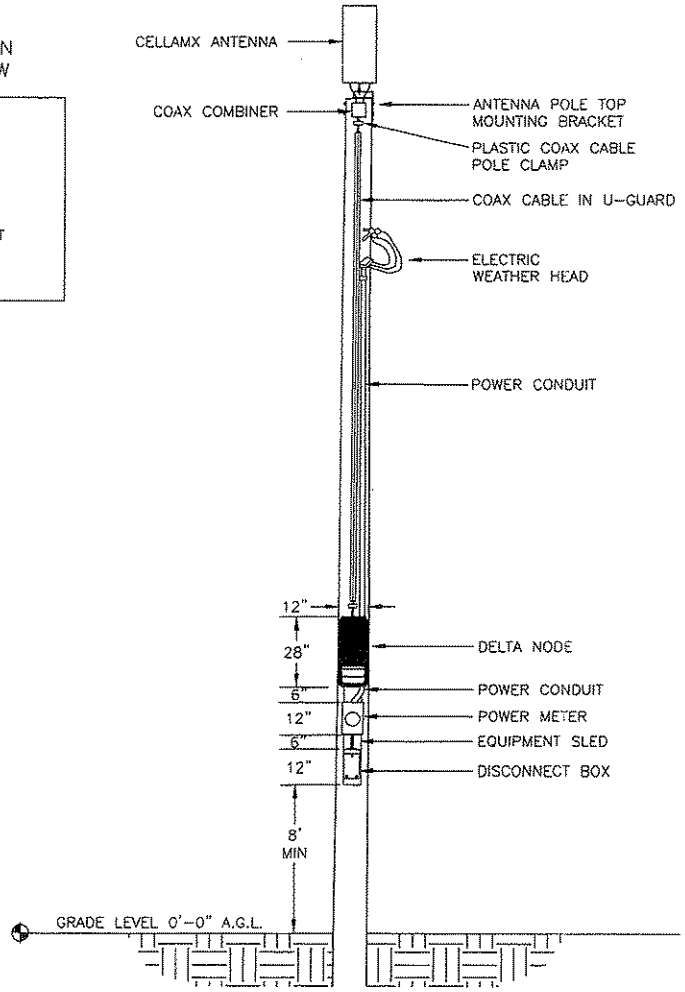
Exhibit 1

ExteNet Equipment Specifications and Fiber Route Map

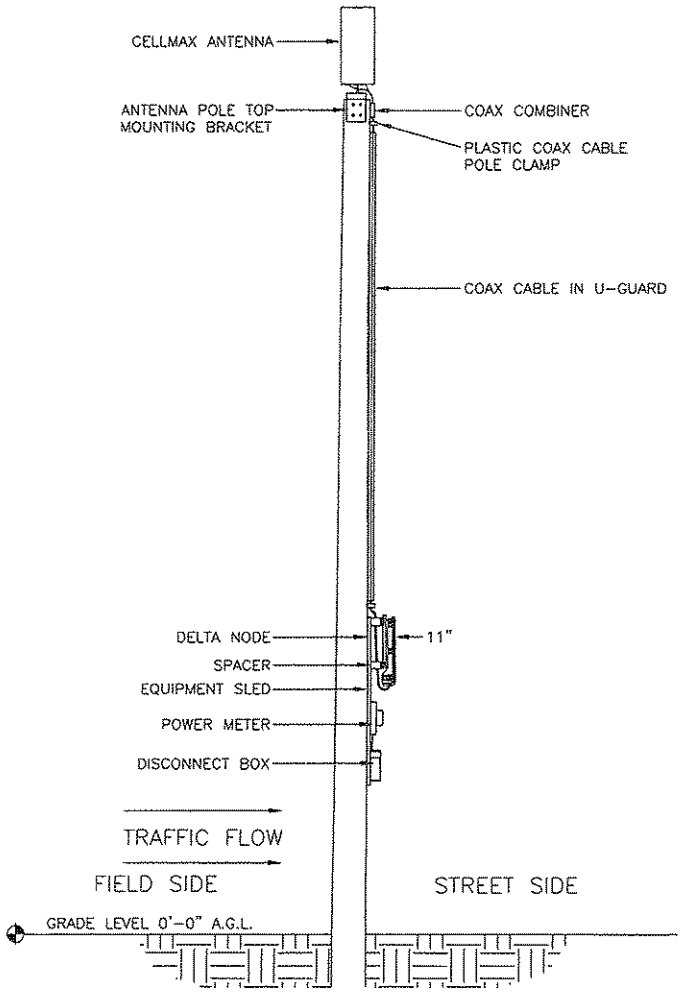
PELHAM, NY - NODE POLE ELEVATION DETAIL

POLE ELEVATION
OVERHEAD VIEW





POLE ELEVATION DETAIL – FIELD SIDE VIEW



POLE ELEVATION DETAIL – SIDE VIEW

Prepared By:
Waveguide
14 Kidder Road
Chelmsford, MA 01824
978.670.0000
waveguidefiber.com

General Notes:

All power & pole top work shall be performed by the utility or an approved contractor.

Project Contacts:

Rick Angelini, Extenet Systems
508-776-2161
rangelini@extenetsystems.com

Carly Cowher, Extenet Systems
774-230-3288
ccowher@extenetsystems.com

extenet SYSTEMS
3030 Warrenville Road
Suite 340
Lisle, IL 60532
Phone: (630) 505-3800

Project name: NE-NY-YONKERSX-TMO

Location: Pelham, NY

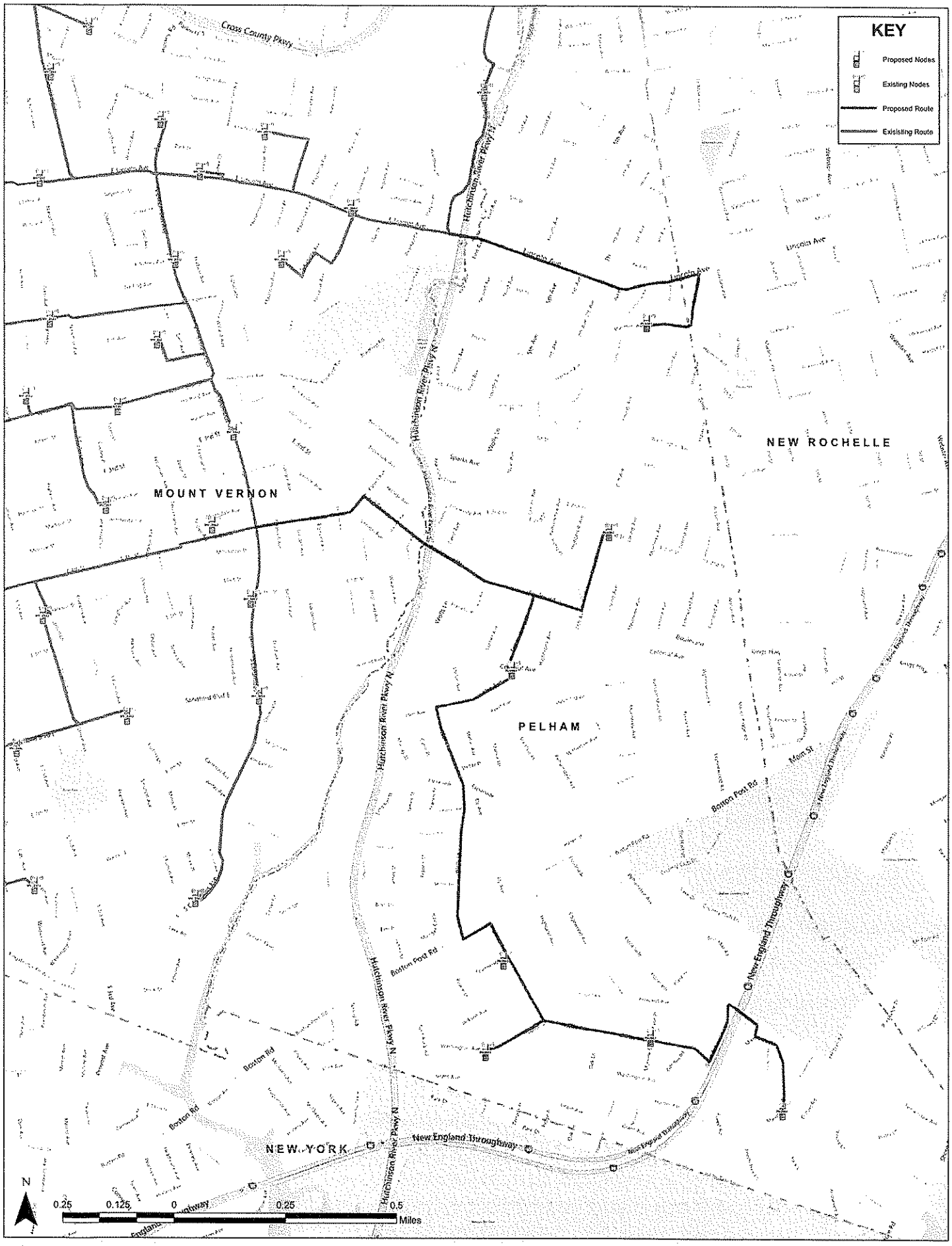
Revision: DRAFT
Description:

Proj. Coordinator: Rick Angelini
Approved By:

Date: 04/20/2012

Scale: NTS

Sheet: SK1



ExteNet Systems
3030 Warrenville Road Suite 340
Lisle, IL 60532
(630) 505-3800
www.extenetsystems.com

Proposed Expansion Route Map
Pelham, New York
Updated April 20, 2012

Prepared By:
Waveguide Inc.
14 Kidder Road
Chelmsford, MA 01824
(978) 670-0000
www.waveguidefiber.com

Exhibit 2

Fee Rates

1) **Attachment Fees**: Attachment Fees shall be based upon occupancy of VILLAGE Facilities and the use of the Node Pole, as follows: (1) $59.00 per month per Node regardless of whether Node Pole services any carrier, or services a single carrier; (2) additional $29.50 per month per Node for the 2nd carrier on the Node Pole; (3) additional $14.75 per month per Node for the 3rd carrier on the Node Pole. Attachment Fee payment shall commence on the date determined in accordance with Section 4 of the Agreement and continue for the duration of the Node Attachments to such Node Pole (or, in the case of a 2nd or 3rd carrier, for the duration of such carrier's use of such Node Attachments). Attachment Fee rates shall increase by four percent (4%) per annum with the first such adjustment effective upon the first day of the twelfth month following the month during which Attachment fees first begin to accrue in accordance with Section 4 of the Agreement with annual adjustments thereafter on each successive anniversary of such date.

2) **Annual ROW Administration Fee:** $1,000.00 annually for the duration of the Agreement, with the first such payment due and payable as provided in Section 4 of the Agreement. Such ROW Administration Fee shall increase by three percent (3%) per annum. Annual ROW Administration Fees shall commence on the date determined in accordance with Section 4 of the Agreement.

STATE OF NEW YORK DEPARTMENT OF PUBLIC SERVICE
THREE EMPIRE STATE PLAZA, ALBANY, NY 12223-1350
Internet Address: http://www.dps.state.ny.us

December 2, 2005

Morgan E. Parke, Esq.
Couch White. LLP
P.O. Box 22222
540 Broadway
Albany, NY 12201

Re: Case No. 05-C-1428

Dear Mr. Parke:

The application, by Clearlinx Network Corporation on November 8, 2005, for a Certificate of Public Convenience and Necessity to operate in New York State as a facilities-based provider and reseller of telephone service, without authority to provide local exchange service, is hereby approved. This approval is based upon the accuracy of the information provided in the company's application and may be revoked if the application is found to contain false or misleading information, for failure to file or maintain current tariffs, or for violation of Commission rules and regulations.

The company's tariff, P.S.C. No. 1 – Telephone, is also approved.

The company is not authorized to use its own operators to handle 0- (emergency or non-emergency) calls. Such calls must be routed to another telephone company or operator services provider authorized to handle such calls, until such time as an amended Certificate of Public Convenience and Necessity is obtained pursuant to Part 649.6 of the Commission's rules.

The company must obtain any required consents of municipal authorities before commencing construction of telephone lines. It must also comply with applicable federal laws, New York State Public Service Law and related statutes, and the Commission's rules and regulations.

The company is also required to file a Statement of Gross Intrastate Operating Revenues by March 31 each year. It will be notified in writing each year of the required content and format of this report.

If you have any questions, please contact David Cramer at (518) 408-1835.

By direction and delegation
of the Commission,

Robert H. Mayer
Director
Office of Telecommunications

cc: Marla LeBoeuf
Greg Pattenaude
Judy Sylvester
Elaine Lynch
Case File (14th Fl.)